Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o zavarovalništvu obsega:
- Zakon o zavarovalništvu – ZZavar-1 (Uradni list RS, št. 93/15 z dne 7. 12. 2015),
- Zakon o spremembah in dopolnitvah Zakona o zavarovalništvu – ZZavar-1A (Uradni list RS, št. 9/19 z dne 11. 2. 2019),
- Zakon o spremembah in dopolnitvah Zakona o zavarovalništvu – ZZavar-1B (Uradni list RS, št. 102/20 z dne 22. 7. 2020).

Z A K O N
O ZAVAROVALNIŠTVU (ZZavar-1)

(neuradno prečiščeno besedilo št. 2)

1. poglavje:

SPLOŠNE DOLOČBE

1.1. *Vsebina zakona*

1. člen
(predmet zakona)

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The unofficial consolidated version of the Insurance Act comprises:
- Insurance Act – ZZavar-1 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 93/15 of 7 December 2015),
- Act Amending the Insurance Act – ZZavar-1A (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 9/19 of 11 February 2019),
- Act Amending the Insurance Act – ZZavar-1B (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 102/20 of 22 July 2020).

I N S U R A N C E A C T
(ZZavar-1)

(Unofficial consolidated version No. 2)

Chapter One

GENERAL PROVISIONS

1.1. *Subject matter of the Act*

Article 1
(Subject of the Act)

Ta zakon ureja:

1. pogoje za ustanovitev, poslovanje in nadzor zavarovalnic in pozavarovalnic s sedežem v Republiki Sloveniji;
2. pogoje za nadzor zavarovalniških in pozavarovalniških skupin;
3. pogoje za reorganizacijo in prenehanje zavarovalnic in pozavarovalnic;
4. pogoje, pod katerimi lahko osebe s sedežem zunaj Republike Slovenije opravljajo zavarovalne posle na območju Republike Slovenije;
5. status, organizacijo in pravila delovanja Agencije za zavarovalni nadzor pri opravljanju pristojnosti in odgovornosti po tem in drugih zakonih;
6. pogoje za zavarovalno zastopanje in posredovanje.

2. člen
(prenos direktiv Evropske unije)

S tem zakonom se v pravni red Republike Slovenije prenašajo naslednje direktive Evropskega parlamenta in Sveta:

1. Direktiva Sveta 91/371/EGS z dne 20. junija 1991 o izvajanju Sporazuma med Evropsko gospodarsko skupnostjo in Švicarsko konfederacijo o neposrednem zavarovanju razen življenjskega zavarovanja (UL L št. 205 z dne 27. julija 1991, str. 48);
2. Direktiva Sveta 91/674/EGS z dne 19. decembra 1991 o letnih računovodskih izkazih in konsolidiranih računovodskih izkazih zavarovalnic (UL L št. 374 z dne 31. decembra 1991, str. 7);
3. Direktiva (EU) 2016/97 Evropskega parlamenta in Sveta z dne 20. januarja 2016 o distribuciji zavarovalnih produktov (prenovitev) (UL L št. 26 z dne 2. februarja 2016, str. 19);
4. Direktiva Sveta 2004/113/ES z dne 13. decembra 2004 o izvajanju načela enakega obravnavanja moških in žensk pri dostopu do blaga in storitev ter oskrbi z njimi (UL L št. 373 z dne 21. decembra 2004, str. 37);
5. Direktiva 2009/138/ES Evropskega parlamenta in Sveta z dne 25. novembra 2009 o začetku opravljanja in opravljanju dejavnosti zavarovanja in pozavarovanja (Solventnost II), (UL L št. 335 z dne 17. decembra 2009, str. 1) zadnjič spremenjena z Direktivo

This Act regulates:

1. conditions for the establishment, operation and supervision of insurance and reinsurance undertakings established in the Republic of Slovenia;
2. conditions for the supervision of insurance and reinsurance groups;
3. conditions for the reorganisation and winding up of insurance and reinsurance undertakings;
4. conditions under which entities established outside the Republic of Slovenia may conduct insurance business in the territory of the Republic of Slovenia;
5. the status, organisation and operating rules of the Insurance Supervision Agency in exercising its competences and responsibilities under this Act and other Acts;
6. conditions for insurance agency and insurance brokerage services.

Article 2
(Transposition of European Union directives)

This Act transposes the following directives of the European Parliament and of the Council into the legislation of the Republic of Slovenia:

1. Council Directive 91/371/EEC of 20 June 1991 on the implementation of the Agreement between the European Economic Community and the Swiss Confederation concerning direct insurance other than life assurance (OJ L 205, 27.7.1991, p. 48);
2. Council Directive 91/674/EEC of 19 December 1991 on the annual accounts and consolidated accounts of insurance undertakings (OJ L 374, 31.12.1991, p. 7);
3. Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19);
4. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37);
5. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1) last amended by Directive 2014/51/EU of the European Parliament

2014/51/EU Evropskega parlamenta in Sveta z dne 16. aprila 2014 o spremembi Direktive 2003/71/ES in Direktive 2009/138/ES ter uredb (ES) št. 1060/2009, (EU) št. 1094/2010 in (EU) št. 1095/2010 glede pristojnosti Evropskega nadzornega organa (Evropskega organa za zavarovanja in poklicne pokojnine) ter Evropskega nadzornega organa (Evropskega organa za vrednostne papirje in trge) (Omnibus II), (UL L št. 153 z dne 22. maja 2014, str. 1);

6. Direktiva 2011/89/EU Evropskega parlamenta in Sveta z dne 16. novembra 2011 o spremembah direktiv 98/78/ES, 2002/87/ES, 2006/48/ES in 2009/138/ES glede dopolnilnega nadzora finančnih subjektov v finančnem konglomeratu (UL L št. 326 z dne 8. decembra 2011, str. 113);
7. Direktiva 2013/14/EU Evropskega parlamenta in Sveta z dne 21. maja 2013 o spremembi Direktive 2003/41/ES o dejavnostih in nadzoru institucij za poklicno pokojninsko zavarovanje, Direktive 2009/65/ES o usklajevanju zakonov in drugih predpisov o kolektivnih naložbenih podjemih za vlaganja v prenosljive vrednostne papirje (KNPVP) in Direktive 2011/61/EU o upraviteljih alternativnih investicijskih skladov v zvezi s prevelikim zanašanjem na bonitetne ocene (UL L št. 145 z dne 31. maja 2013, str. 1; v nadaljnjem besedilu: Direktiva 2013/14/EU), v delu, v katerem se nanaša na uporabo bonitetnih ocen v pokojninskih družbah;
8. Direktiva 2014/51/EU Evropskega parlamenta in Sveta z dne 16. aprila 2014 o spremembi direktiv 2003/71/ES in 2009/138/ES ter uredb (ES) št. 1060/2009, (EU) št. 1094/2010 in (EU) št. 1095/2010 glede pristojnosti Evropskega nadzornega organa (Evropski organ za zavarovanja in poklicne pokojnine) ter Evropskega nadzornega organa (Evropski organ za vrednostne papirje in trge), (UL L št. 153 z dne 22. maja 2014, str. 1);
9. Direktiva 2019/2177 Evropskega parlamenta in Sveta z dne 18. decembra 2019 o spremembi Direktive 2009/138/ES o začetku opravljanja in opravljanju dejavnosti zavarovanja in pozavarovanja (Solventnost II), Direktive 2014/65/EU o trgih finančnih instrumentov in Direktive (EU) 2015/849 o preprečevanju uporabe finančnega sistema za pranje denarja ali financiranje terorizma (UL L št. 334 z dne 27. 12. 2019, str. 155).

3. člen
(uporaba zakona za pozavarovanja, lastne zavarovalnice in lastne pozavarovalnice)

and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1);

6. Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113);
7. Directive 2013/14/EU of the European Parliament and of the Council of 21 May 2013 amending Directive 2003/41/EC on the activities and supervision of institutions for occupational retirement provision, Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) and Directive 2011/61/EU on Alternative Investment Funds Managers in respect of over-reliance on credit ratings (OJ L 145, 31.5.2013, p. 1; hereinafter: Directive 2013/14/EU), to the extent that it concerns the use of credit ratings in pension companies;
8. Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1);
9. Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of insurance and reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments, and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money-laundering or terrorist financing (OJ L 334, 27.12.2019, p. 155).

Article 3
(Application of the Act for reinsurance, captive insurance undertakings and captive reinsurance undertakings)

(1) Ta zakon se uporablja tudi za pozavarovalnice, če v posameznih določbah tega zakona ni drugače določeno. Določbe 127. do 132., 135., 241., 343., 421. do 425. in 521. do 526. člena tega zakona se ne uporabljajo za pozavarovalnice in za zavarovalnice za opravljanje poslov pozavarovanja.

(2) Ta zakon se uporablja tudi za lastne zavarovalnice in lastne pozavarovalnice, če v posameznih določbah tega zakona ni drugače določeno.

1.2. *Opredelitev pojmov in kratic*

1.2.1. Splošne določbe

4. člen
(namen opredelitve pojmov)

V oddelku 1.2. tega zakona so opredeljeni pomeni pojmov za namen njihove uporabe v tem zakonu, če ni v zvezi s posameznim pojmom določeno, da je namen njegove opredelitve ožji.

5. člen
(kratice predpisov Evropske unije)

V tem zakonu so za predpise Evropske unije (v nadaljnjem besedilu: EU) uporabljeni naslednji skrajšani naslovi:

1. Direktiva 2002/87/ES je Direktiva 2002/87/ES Evropskega parlamenta in Sveta z dne 16. decembra 2002 o dopolnilnem nadzoru kreditnih institucij, zavarovalnic in investicijskih družb v finančnem konglomeratu, ki spreminja direktive Sveta 73/239/EGS, 79/267/EGS, 92/49/EGS, 92/96/EGS, 93/6/EGS in 93/22/EGS ter direktivi 98/78/ES in 2000/12/ES Evropskega parlamenta in Sveta (UL L št. 35 z dne 11. februarja 2003, str. 1–27);

2. Direktiva 2003/41/ES je Direktiva 2003/41/ES Evropskega parlamenta in Sveta z dne 3. junija 2003 o dejavnostih in nadzoru

(1) This Act shall also apply to reinsurance undertakings unless otherwise provided by individual provisions of this Act. The provisions of Articles 127 to 132, 135, 241, 343, 421 to 425 and 521 to 526 of this Act shall not apply to reinsurance undertakings and to insurance undertakings that conduct reinsurance business.

(2) This Act shall also apply to captive insurance and reinsurance undertakings unless otherwise provided by individual provisions of this Act.

1.2. *Definition and abbreviations*

1.2.1. General Provisions

Article 4
(Purpose of definitions)

Section 1.2 of this Act defines the meanings of terms for their application in this Act unless a narrower scope of definition is laid down for individual terms.

Article 5
(Abbreviations of European Union regulations)

In this Act, the following short titles shall apply to regulations of the European Union (hereinafter: EU):

1. Directive 2002/87/EC shall mean Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1–27);
2. Directive 2003/41/EC shall mean Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the

institucij za poklicno pokojninsko zavarovanje (UL L št. 235 z dne 23. septembra 2003, str. 10);

3. Direktiva 2004/39/ES je Direktiva 2004/39/ES Evropskega parlamenta in Sveta z dne 21. aprila 2004 o trgih finančnih instrumentov in o spremembah direktiv Sveta 85/611/EGS, 93/6/EGS in Direktive 2000/12/ES Evropskega parlamenta in Sveta ter o razveljavitvi Direktive Sveta 93/22/EGS (UL L št. 145 z dne 30. aprila 2004, str. 1);
4. Direktiva 2009/65/ES je Direktiva 2009/65/ES Evropskega parlamenta in Sveta z dne 13. julija 2009 o usklajevanju zakonov in drugih predpisov o kolektivnih naložbenih podjemih za vlaganja v prenosljive vrednostne papirje (KNPVP), (UL L št. 302 z dne 17. novembra 2009, str. 32);
5. Direktiva 2009/138/ES je Direktiva 2009/138/ES Evropskega parlamenta in Sveta z dne 25. novembra 2009 o začetku opravljanja in opravljanju dejavnosti zavarovanja in pozavarovanja (Solventnost II), (UL L št. 335 z dne 17. decembra 2009, str. 1);
6. Uredba 1093/2010 je Uredba (EU) št. 1093/2010 Evropskega parlamenta in Sveta z dne 24. novembra 2010 o ustanovitvi Evropskega nadzornega organa (Evropski bančni organ) in o spremembi Sklepa št. 716/2009/ES ter razveljavitvi Sklepa Komisije 2009/78/ES (UL L št. 331 z dne 15. decembra 2010, str. 12–47);
7. Uredba 1094/2010 je Uredba (EU) št. 1094/2010 Evropskega parlamenta in Sveta z dne 24. novembra 2010 o ustanovitvi Evropskega nadzornega organa (Evropski organ za zavarovanja in poklicne pokojnine) in o spremembi Sklepa št. 716/2009/ES ter razveljavitvi Sklepa Komisije 2009/79/ES (UL L št. 331 z dne 15. decembra 2010, str. 48–83);
8. Direktiva 2013/36/EU je Direktiva 2013/36/EU Evropskega parlamenta in Sveta z dne 26. junija 2013 o dostopu do dejavnosti kreditnih institucij in bonitetnem nadzoru kreditnih institucij in investicijskih podjetij, spremembi Direktive 2002/87/ES in razveljavitvi direktiv 2006/48/ES in 2006/49/ES (UL L št. 176 z dne 27. junija 2013, str. 105–203);
9. Direktiva 2019/2177/EU je Direktiva 2019/2177/EU Evropskega parlamenta in Sveta z dne 18. decembra 2019 o spremembi Direktive 2009/138/ES o začetku opravljanja dejavnosti zavarovanja in pozavarovanja (Solventnost II), Direktive 2014/65/EU o trgih finančnih instrumentov in Direktive (EU) 2015/849 o preprečevanju uporabe finančnega sistema za pranje denarja ali financiranje terorizma (UL L

activities and supervision of institutions for occupational retirement provision (OJ L 235, 23.9.2003, p. 10);

3. Directive 2004/39/EC shall mean Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1);
4. Directive 2009/65/EC shall mean Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32);
5. Directive 2009/138/EC shall mean Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1);
6. Regulation 1093/2010 shall mean Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12–47);
7. Regulation 1094/2010 shall mean Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48–83);
8. Directive 2013/36/EU shall mean Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 105–203);
9. Directive (EU) 2019/2177 shall mean Directive (EU) 2019/2177 of the European Parliament and of the Council of 18 December 2019 amending Directive 2009/138/EC on the taking-up and pursuit of the business of insurance and reinsurance (Solvency II), Directive 2014/65/EU on markets in financial instruments, and Directive (EU) 2015/849 on the prevention of the use of the financial system for the

št. 334 z dne 27. 12. 2019, str. 155).

6. člen
(pojmi, katerih pomen je opredeljen v drugih zakonih)

(1) V tem odstavku navedeni pojmi imajo enak pomen, kakor je opredeljen v zakonu, ki ureja bančništvo:
1. banka,
2. finančna družba,
3. investicijsko podjetje,
4. finančni holding,
5. kreditna institucija,
6. finančna institucija.

(2) V tem odstavku navedeni pojmi imajo enak pomen, kakor je opredeljen v zakonu, ki ureja finančne konglomerate:
1. družba za upravljanje,
2. mešani finančni holding.

(3) V tem odstavku navedeni pojmi imajo enak pomen, kakor je opredeljen v zakonu, ki ureja trg finančnih instrumentov:
1. investicijske storitve in posli,
2. organiziran trg,
3. kolektivni naložbeni podjem.

1.2.2. Pojmi v zvezi z zavarovalnimi in pozavarovalnimi posli

7. člen
(zavarovalni posli)

(1) Zavarovalni posli so sklepanje in izvrševanje pogodb o premoženjskem in življenjskem zavarovanju ali pozavarovanju, razen obveznih socialnih zavarovanj.

(2) Zavarovanja se glede na glavne nevarnosti, ki jih krijejo, razvrščajo v naslednje zavarovalne vrste:
1. nezgodno zavarovanje (vključno z zavarovanjem nesreč pri delu in

purposes of money-laundering or terrorist financing (OJ L 334, 27.12.2019, p. 155).

Article 6
(Terms used within the meaning defined in other Acts)

(1) The terms stated in this paragraph shall have the same meaning as defined in the Act governing banking:
1. bank,
2. financial undertaking,
3. investment firm,
4. financial holding,
5. credit institution,
6. financial institution.

(2) The terms stated in this paragraph shall have the same meaning as defined in the Act governing financial conglomerates:
1. asset management company,
2. mixed financial holding company.

(3) The terms stated in this paragraph shall have the same meaning as defined in the Act governing the financial instruments market:
1. investment services and activities,
2. regulated market,
3. collective investment undertaking.

1.2.2. Terms concerning insurance and reinsurance business

Article 7
(Insurance business)

(1) Insurance business shall include the conclusion and execution of non-life and life insurance contracts or reinsurance contracts except statutory social insurance.

(2) With regard to the main risks to be covered, insurance shall be classified into the following insurance classes:
1. accident insurance (including industrial accidents and occupational

poklicnih obolenj) je zavarovanje, ki v primeru smrti ali izgube zdravja zaradi nezgode krije:
- izplačilo dogovorjenih denarnih nadomestil, odškodnin oziroma povračil stroškov,
- izplačila zaradi poškodbe, okvare zdravja ali smrti potnikov;

2. zdravstveno zavarovanje je zavarovanje, ki v primeru bolezni, poškodbe ali posebnega zdravstvenega stanja krije:
   - stroške zdravstvenih ter z njimi povezanih storitev, stroške oskrbe z zdravili in medicinsko-tehničnimi pripomočki,
   - izplačila dogovorjenih denarnih nadomestil,
   - kombinacijo izplačil po prejšnjih alinejah;
3. zavarovanje kopenskih vozil (razen tirnih vozil) je zavarovanje, ki krije vse škode na oziroma izgubo:
   - kopenskih vozil na lasten pogon,
   - kopenskih vozil brez lastnega pogona;
4. zavarovanje tirnih vozil je zavarovanje, ki krije vse škode na tirnih vozilih oziroma izgubo tirnih vozil;
5. letalsko zavarovanje je zavarovanje, ki krije vse škode na zrakoplovih ali drugih letalnih napravah ter izgubo zrakoplovov oziroma drugih letalnih naprav;
6. zavarovanje plovil je zavarovanje, ki krije vse škode na morskih, rečnih in jezerskih plovilih oziroma njihovo izgubo;
7. zavarovanje prevoza blaga je zavarovanje, ki krije vse škode na blagu oziroma izgubo blaga, vključno s prtljago, ne glede na vrsto prevoza;
8. zavarovanje požara in elementarnih nesreč je zavarovanje, ki krije vse škode na premoženju (razen škod na premoženju, ki jih krijejo zavarovanja iz 3. do 7. točke tega odstavka), ki nastane zaradi:
   - požara,
   - eksplozije,
   - nevihte,
   - drugih naravnih dogodkov razen neviht,
   - jedrske energije,
   - pogrezanja in drsenja tal;
9. drugo škodno zavarovanje je zavarovanje, ki krije vse škode na premoženju (razen škod na premoženju, ki jih krijejo zavarovanja iz 3. do 7. točke tega odstavka), ki nastane zaradi toče, pozebe ali zaradi drugih vzrokov (npr. tatvine), razen vzrokov iz 8. točke tega odstavka;

10. zavarovanje odgovornosti pri uporabi vozil je zavarovanje, ki krije vse vrste odgovornosti, ki izhajajo iz uporabe kopenskih vozil z lastnim

diseases) shall mean insurance which in the event of death or loss of health due to injury covers:
- payments of agreed financial compensation, indemnities or reimbursements,
- payments due to injury, injury to health or death of passengers;

2. health insurance shall mean insurance which in the event of disease, injury or a specific medical condition covers:
   - the costs of medical and related services, the costs of medicine supply and assistive devices,
   - payment of agreed financial compensations,
   - a combination of payments under the preceding indents;
3. land vehicle insurance (except railway rolling stock) shall mean insurance covering all damage to or loss of:
   - self-propelled land vehicles,
   - non-self-propelled land vehicles;
4. railway rolling stock insurance shall mean insurance covering all damage to, or loss of, railway rolling stock;
5. aviation insurance shall mean insurance covering all damage to aircraft or other flying machines, and loss of aircraft or other flying machines;
6. ship insurance shall mean insurance covering all damage to, or loss of, maritime, river and lake vessels;
7. goods in transit insurance shall mean insurance covering all damage to, or loss of, goods, including baggage, regardless of the type of transport;
8. insurance against fire and natural disasters shall mean insurance covering all damage to property (except damage to property covered by insurance referred to in points 3 to 7 of this paragraph) due to:
   - fire,
   - explosion,
   - storm,
   - other natural forces other than storms,
   - nuclear energy,
   - soil subsidence and landslides;
9. other damage insurance shall mean insurance covering all damage to property (other than damage to property covered by insurance referred to in points 3 to 7 of this paragraph) caused by hail, frost, or other causes (e.g. theft) other than those referred to in point 8 of this paragraph;
10. vehicle liability insurance shall mean insurance covering all liabilities resulting from the use of self-propelled land vehicles (including

pogonom (vključno s prevozniško odgovornostjo);

11. zavarovanje odgovornosti pri uporabi zrakoplovov oziroma drugih letalnih naprav je zavarovanje, ki krije vse vrste odgovornosti, ki izhajajo iz uporabe zrakoplovov oziroma drugih letalnih naprav (vključno s prevozniško odgovornostjo);
12. zavarovanje odgovornosti pri uporabi plovil je zavarovanje, ki krije vse vrste odgovornosti, ki izhajajo iz uporabe morskih, rečnih in jezerskih plovil (vključno s prevozniško odgovornostjo);
13. splošno zavarovanje odgovornosti je zavarovanje, ki krije druge vrste odgovornosti, razen odgovornosti iz 10. do 12. točke tega odstavka;

14. kreditno zavarovanje je zavarovanje, ki krije:
    - nevarnost neplačila (oziroma zamude plačila) zaradi nesolventnosti ali drugih dogodkov (ravnanj ali dejstev),
    - izvozne kredite in druge nevarnosti, povezane z izvozom, trgovino in vlaganji na tujih in domačih trgih,
    - kredite z obročnim odplačevanjem,
    - hipotekarne in lombardne kredite,
    - kmetijske kredite,
    - druge kredite in posojila;
15. kavcijsko zavarovanje je zavarovanje, ki krije in neposredno ali posredno jamči za izpolnitev obveznosti dolžnikov;
16. zavarovanje različnih finančnih izgub je zavarovanje, ki krije finančne izgube zaradi:
    - poklicnih nevarnosti,
    - nezadostnih prihodkov (na splošno),
    - slabega vremena,
    - izgubljenega dobička,
    - nepredvidenih splošnih stroškov,
    - nepredvidenih poslovnih stroškov,
    - izgube tržne vrednosti,
    - izpada najemnine oziroma izgube prihodka,
    - posrednih poslovnih izgub, razen izgub iz prejšnjih alinej,
    - drugih neposlovnih izgub,
    - drugih finančnih izgub;
17. zavarovanje stroškov postopka je zavarovanje, ki krije stroške odvetnikov in druge stroške postopka;
18. zavarovanje pomoči je zavarovanje, ki krije pomoč osebam, ki zaidejo v težave na potovanju oziroma v drugih primerih odsotnosti od

carrier's liability);

11. liability insurance for the use of aircraft or other flying machines shall be insurance covering all liabilities arising from the use of aircraft or other flying machines (including carrier's liability);

12. liability insurance for the use of vessels shall be insurance covering all liabilities arising from the use of maritime, river and lake vessels (including carrier's liability);
13. general liability insurance shall be insurance covering all other types of liabilities, other than the liabilities referred to in points 10 to 12 of this paragraph;
14. credit insurance shall be insurance covering:
    - risk of non-payment (or delayed payment) due to insolvency or other events (actions or facts),
    - export credits and other risks related to exports, trade and investment in foreign and domestic markets,
    - instalment credits,
    - mortgage and lombard credits,
    - agricultural credits,
    - other credits and loans;
15. suretyship insurance shall be insurance covering, and directly or indirectly guaranteeing, the meeting of debtors' obligations;
16. miscellaneous financial loss insurance shall be insurance covering financial loss arising from:
    - employment risks,
    - insufficient income (in general),
    - bad weather,
    - loss of profit,
    - unforeseen general costs,
    - unforeseen business costs,
    - loss of market value,
    - loss of rent or revenue,
    - indirect operating loss, with the exception of losses referred to in the preceding indents,
    - other non-operating losses,
    - other financial losses;
17. legal expenses insurance shall be insurance covering the costs of attorneys and other legal expenses;
18. tourist assistance insurance shall be insurance covering assistance to persons facing difficulties while travelling or in other events of

njihovega doma oziroma stalnega prebivališča;

19. življenjsko zavarovanje (razen zavarovanj iz 20. do 24. točke tega odstavka) je zavarovanje, ki obsega zlasti zavarovanje za primer doživetja, zavarovanje za primer smrti, mešano življenjsko zavarovanje, rentno zavarovanje in življenjsko zavarovanje z vračilom premij, in dodatno zavarovanje, ki obsega predvsem zavarovanje invalidnosti zaradi nezgode ali bolezni, zavarovanje smrti zaradi nezgode ter zavarovanje za primer poškodbe, vključno z zavarovanjem nesposobnosti opravljanja poklica zaradi poškodbe, kadar je dodatno zavarovanje sklenjeno k življenjskemu zavarovanju iz zavarovalne skupine življenjskih zavarovanj iz 2. točke četrtega odstavka tega člena;

20. zavarovanje za primer poroke oziroma rojstva;
21. življenjsko zavarovanje z naložbenim tveganjem je zavarovanje, pri katerem zavarovalec prevzema naložbeno tveganje, povezano s spremembo vrednosti enot kolektivnih naložbenih podjemov za vlaganja v prenosljive vrednostne papirje (v nadaljnjem besedilu: KNPVP sklad), kot jih določa zakon, ki ureja investicijske sklade in družbe za upravljanje oziroma vrednosti sredstev, vsebovanih v notranjem skladu zavarovalnice, oziroma vrednosti indeksa vrednostnih papirjev oziroma druge referenčne vrednosti;
22. tontine je zavarovanje, pri katerem se skupina zavarovalcev dogovori, da bo skupno kapitalizirala svoje prispevke in razdelila tako kapitalizirano premoženje med tiste zavarovance, ki doživijo določeno starost oziroma med dediče umrlih zavarovancev oziroma med upravičence, ki so jih določili umrli zavarovanci;

23. zavarovanje s kapitalizacijo izplačil je zavarovanje, ki temelji na zavarovalno-tehničnih izračunih in pri katerem prejme zavarovalec, zavarovanec ali drug upravičenec v zameno za enkratno oziroma obročno vplačevanje premij izplačila v določenem obdobju in višini;
24. zavarovanje izpada dohodkov zaradi nezgode ali bolezni, ki ga zavarovalnica ne more odpovedati.

(3) Zavarovanja, ki združujejo zavarovanja iz več zavarovalnih vrst, se razvrščajo v naslednje zavarovalne podskupine:

1. nezgodna in zdravstvena zavarovanja so zavarovanja iz zavarovalnih vrst iz 1. in 2. točke prejšnjega odstavka,
2. zavarovanja vozil so zavarovanja iz zavarovalnih vrst iz druge alineje 1. točke ter 3., 7. in 10. točke prejšnjega odstavka,

absence from home or their permanent residence;

19. life insurance (with the exception of insurance referred to in points 20 to 24 of this paragraph) shall be insurance comprising, in particular, insurance on survival to a stipulated age only, insurance on death only, insurance on survival to a stipulated age or on earlier death, annuity insurance and life insurance with return of premiums, and supplementary insurance comprising, in particular, insurance against disability resulting from accident or sickness, insurance against death resulting from an accident and insurance against personal injury including incapacity for employment due to personal injury, if supplementary insurance is underwritten in addition to life insurance from the insurance group of life insurance referred to in point 2 of paragraph four of this Article;
20. marriage or birth insurance;
21. unit-linked life insurance shall be insurance whereby the policyholder bears the investment risk of changes in the value of units of undertakings for collective investment in transferable securities (hereinafter: UCITS fund) as defined by the Act governing investment funds and management companies, or the value of assets contained in an internal fund held by the insurance undertakings, or the value of securities index or other reference value;

22. tontine shall be insurance whereby an association of policyholders is set up with a view to capitalising their contributions jointly and subsequently distributing the assets thus accumulated among the insured persons that survive to a stipulated age or among the heirs of the deceased insured person or among the beneficiaries designated by the deceased insured persons;
23. capital redemption insurance shall be insurance based on actuarial calculation whereby the policyholder, insured person or any other beneficiary receives, in return for single or periodic payments of premiums, payments of specified duration and amount;
24. insurance of loss of income resulting from an accident or sickness, which the insurance undertaking may not cancel.

(3) Insurance that includes multiple classes of insurance shall be classified into the following insurance subgroups:

1. accident and health insurance shall include classes of insurance referred to in points 1 and 2 of the preceding paragraph,
2. vehicle insurance shall include classes of insurance referred to in indent two of point 1, and points 3, 7 and 10 of the preceding

3. pomorska in transportna zavarovanja so zavarovanja iz zavarovalnih vrst iz druge alineje 1. točke ter 4., 6., 7. in 12. točke prejšnjega odstavka,
4. zavarovanja zrakoplovov ali drugih letalnih naprav so zavarovanja iz zavarovalnih vrst iz druge alineje 1. točke ter 5., 7. in 11. točke prejšnjega odstavka,
5. požarna in druga škodna zavarovanja so zavarovanja iz zavarovalnih vrst iz 8. in 9. točke prejšnjega odstavka,
6. zavarovanja odgovornosti so zavarovanja iz zavarovalnih vrst iz 10. do 13. točke prejšnjega odstavka,
7. kreditna in kavcijska zavarovanja so zavarovanja iz zavarovalnih vrst iz 14. in 15. točke prejšnjega odstavka,
8. škodna in nezgodna zavarovanja so zavarovanja iz zavarovalnih vrst iz 1. ter 3. do 13. in 16. točke prejšnjega odstavka.

(4) Zavarovanja, ki združujejo zavarovanja iz več zavarovalnih vrst, se združujejo v naslednje zavarovalne skupine:
1. premoženjska zavarovanja po tem zakonu so zavarovanja iz zavarovalnih vrst iz 1. do 18. točke drugega odstavka tega člena,
2. življenjska zavarovanja po tem zakonu so zavarovanja iz zavarovalnih vrst iz 19. do 24. točke drugega odstavka tega člena.

(5) Pozavarovanje je dejavnost sprejemanja tveganj, ki jih odstopi zavarovalnica, zavarovalnica države članice ali zavarovalnica tretje države oziroma pozavarovalnica, pozavarovalnica države članice ali pozavarovalnica tretje države.

(6) Obvezna zavarovanja v prometu so zavarovanja, ki jih ureja zakon, ki ureja obvezna zavarovanja v prometu.

(7) Dopolnilno zdravstveno zavarovanje je prostovoljno zdravstveno zavarovanje, ki predstavlja javni interes Republike Slovenije in se izvaja po načelih medgeneracijske vzajemnosti in vzajemnosti med spoloma med vsemi zavarovanci dopolnilnega zdravstvenega zavarovanja. Vse zavarovalnice, ki izvajajo dopolnilno zdravstveno zavarovanje, so obvezno vključene v izravnalne sheme za izravnavo razlik v stroških zdravstvenih storitev med zavarovalnicami, ki izhajajo iz razlik v starostni strukturi in strukturi po spolu portfelja posameznih

paragraph,
3. marine and transport insurance shall include classes of insurance referred to in indent two of point 1, and points 4, 6, 7 and 12 of the preceding paragraph,
4. insurance of aircraft or other flying machines shall include classes of insurance referred to in indent two of point 1, and points 5, 7 and 11 of the preceding paragraph,
5. insurance against fire and other damage to property shall include classes of insurance referred to in points 8 and 9 of the preceding paragraph,
6. liability insurance shall include classes of insurance referred to in points 10 to 13 of the preceding paragraph,
7. credit and suretyship insurance shall include classes of insurance referred to in points 14 and 15 of the preceding paragraph,
8. damage and accident insurance shall include classes of insurance referred to in points 1 and 3 to 13, and 16 of the preceding paragraph.

(4) Insurance that includes multiple classes of insurance shall be classified into the following insurance groups:
1. non-life insurance under this Act shall include classes of insurance referred to in points 1 to 18 of paragraph two of this Article,
2. life insurance under this Act shall include classes of insurance referred to in points 19 to 24 of paragraph two of this Article.

(5) Reinsurance shall mean the activity of accepting risks ceded by an insurance undertaking, an insurance undertaking from a Member State or insurance undertaking from a third country, or by a reinsurance undertaking, a reinsurance undertaking from a Member State or a reinsurance undertaking from a third country.

(6) Compulsory insurance in transport shall mean insurance regulated by the Act governing compulsory insurance in transport.

(7) Supplementary health insurance shall mean voluntary health insurance in the public interest of the Republic of Slovenia and pursued according to the principles of intergenerational cooperation and cooperation between genders among all insured persons within supplementary health insurance. All insurance undertakings engaging in supplementary health insurance must be part of the equalisation schemes which equalise differences between insurance undertakings relating to the costs of health services arising from differences in the age structure and

zavarovalnic v skladu z zakonom, ki ureja zdravstveno varstvo in zdravstveno zavarovanje. Podrobnejšo ureditev določajo predpisi o zdravstvenem varstvu in zdravstvenem zavarovanju.

1.2.2.a Pojmi v zvezi z distribucijo zavarovalnih produktov

7.a člen
(distribucija zavarovalnih produktov)

(1) Distribucija zavarovalnih produktov zajema storitve:

1. svetovanja, predlaganja ali izvajanja drugih pripravljalnih opravil pred sklenitvijo zavarovalnih pogodb,
2. sklepanja zavarovalnih pogodb,
3. pomoči pri vodenju in izvajanju zavarovalnih pogodb, zlasti pri zahtevkih za izplačilo odškodnine ali zavarovalnine,

4. zagotavljanja informacij o zavarovalni pogodbi na podlagi meril, ki jih stranka izbere na spletnem mestu ali v drugih medijih in pri zagotavljanju lestvice zavarovalnih produktov, vključno s primerjavo cen in produktov ter popustov na ceno zavarovalne pogodbe, če lahko zavarovalec ali potencialni zavarovalec na koncu postopka neposredno ali posredno sklene zavarovalno pogodbo z uporabo spletnega mesta ali drugega medija.

(2) Ne glede na prejšnji odstavek se posamezna storitev ne šteje za distribucijo zavarovalnih produktov, kadar storitev predstavlja:

1. občasno zagotavljanje informacij v okviru druge poklicne dejavnosti, če pri tem ponudnik storitve ne nudi pomoči pri sklepanju zavarovalne pogodbe ali izvajanju te pogodbe,

2. strokovno upravljanje zahtevkov iz zavarovalnih pogodb s strani zavarovalnice, njihovo izvedensko cenitev in poravnavo škod ali izplačilo zavarovalnih ter drugih aktivnosti, ki so s tem povezane,
3. samo zagotavljanje podatkov in informacij o potencialnih zavarovalcih zavarovalnim zastopnikom, zavarovalnim posrednikom, zavarovalno zastopniškim družbam, zavarovalno posredniškim družbam, zastopnikom dopolnilnih zavarovanj, bankam iz osmega odstavka 558. člena tega zakona ali zavarovalnicam, kadar ponudnik storitve

gender structure of portfolios of individual insurance undertakings pursuant to the Act governing health care and health insurance. Detailed arrangements shall be provided by the regulations on health care and health insurance.

1.2.2a Definitions with regard to insurance distribution

Article 7a
(Insurance distribution)

(1) Insurance distribution shall include the following services:

1. advising on, proposing, or carrying out other work preparatory to the conclusion of insurance contracts,
2. conclusion of insurance contracts,
3. assisting in the administration and performance of insurance contracts, in particular in the event of claims for indemnities or benefits,
4. providing information concerning an insurance contract in accordance with criteria selected by clients through a website or other media and the compilation of an insurance product ranking list, including price and product comparison, or a discount on the price of an insurance contract, where the policyholder or potential policyholder is able to directly or indirectly conclude an insurance contract using a website or other media.

(2) Notwithstanding the preceding paragraph, the following shall not be considered to constitute insurance distribution:

1. the provision of information on an incidental basis in the context of another professional activity where the provider does not take any additional steps to assist in concluding or performing an insurance contract,
2. the management of claims of an insurance undertaking on a professional basis, expert appraisal of claims and loss adjusting or the payment of benefits and other activities related thereto,
3. the mere provision of data and information on potential policyholders to insurance agents, insurance brokers, insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries, banks referred to in paragraph eight of Article 558 of this Act or to insurance undertakings where the provider does not

ne nudi nikakršne druge pomoči pri sklepanju zavarovalne pogodbe,

4. samo zagotavljanje informacij o zavarovalnih produktih, zavarovalnemu zastopniku ali zavarovalnemu posredniku ali zavarovalno zastopniški družbi ali zavarovalno posredniški družbi ali zastopniku dopolnilnih zavarovanj ali banki iz osmega odstavka 558. člena tega zakona ali o zavarovalnici potencialnim zavarovalcem, kadar ponudnik storitve ne nudi nikakršne druge pomoči pri sklepanju ali izvajanju zavarovalne pogodbe.

7.b člen
(svetovanje pri distribuciji zavarovalnih produktov)

Svetovanje je dajanje osebnega priporočila potencialnemu zavarovalcu na njegovo zahtevo ali na pobudo distributerja zavarovalnih produktov iz 7.f člena tega zakona glede ene ali več zavarovalnih pogodb.

7.c člen
(plačilo za distribucijo zavarovalnih produktov)

Plačilo je vsaka provizija, honorar, pristojbina ali drugo plačilo, vključno s katero koli ekonomsko koristjo ali katero koli drugo finančno ali nefinančno ugodnostjo ali spodbudo, ki se ponudi ali plača za distribucijo zavarovalnih produktov.

7.č člen
(matična država članica, država članica gostiteljica)

(1) Matična država članica je:
- država članica, v kateri se nahaja stalno prebivališče zavarovalnega zastopnika oziroma zavarovalnega posrednika;
- država članica, v kateri je sedež zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopnika dopolnilnih zavarovanj ali banke iz osmega odstavka 558. člena tega zakona, ali če po zakonodaji te države članice pravna oseba nima sedeža, država članica, v kateri je glavna uprava zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopnika dopolnilnih zavarovanj

take any additional steps to assist in the conclusion of an insurance contract,

4. the mere provision of information about insurance products, an insurance agent or insurance broker or insurance agency company or insurance brokerage company or ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act, or about an insurance undertaking to potential policyholders where the provider does not take any additional steps to assist in the conclusion of an insurance contract.

Article 7b
(Provision of advice in insurance distribution)

Advice shall mean the provision of a personal recommendation to a potential client, either upon their request or on the initiative of the insurance distributor referred to in Article 7f of this Act in respect of one or more insurance contracts.

Article 7c
(Remuneration for insurance distribution)

Remuneration shall mean any commission, fee, charge or other payment, including an economic benefit of any kind or any other financial or non-financial advantage or incentive offered or given in respect of insurance distribution activities.

Article 7č
(Home Member State, host Member State)

(1) A home Member State shall mean:
- the Member State in which the permanent residence of an insurance agent or insurance broker is situated;
- the Member State where the head office of an insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act is situated or, if under its national law the legal person has no head office, the Member State in which the head office of an insurance agency company, insurance brokerage company, ancillary

ali banke iz osmega odstavka 558. člena tega zakona.

(2) Država članica gostiteljica je država članica, v kateri ima zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba, zavarovalno posredniška družba, zastopnik dopolnilnih zavarovanj ali banka stalno predstavništvo ali je v njej ustanovljen oziroma tam opravlja storitve in ni njena matična država članica.

7.d člen
(podružnica in primarni kraj poslovanja)

(1) Podružnica je zastopstvo ali podružnica zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopnika dopolnilnih zavarovanj ali banke iz osmega odstavka 558. člena tega zakona, ki je na ozemlju države članice, ki ni njena matična država članica.

(2) Primarni kraj poslovanja je mesto, od koder se upravlja glavna dejavnost zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopnika dopolnilnih zavarovanj ali banke iz osmega odstavka 558. člena tega zakona.

7.e člen
(trajni nosilec podatkov)

Trajni nosilec podatkov je vsak nosilec podatkov, ki:
- zavarovalcu ali potencialnemu zavarovalcu omogoča, da shrani informacije, naslovljene osebno nanj, tako, da so dostopne za poznejšo uporabo in obdobje, primerno glede na namen informacij,
- mu omogoča nespremenjeno prikazovanje shranjenih informacij.

7.f člen
(distributer zavarovalnih produktov)

Distributer zavarovalnih produktov v Republiki Sloveniji je

insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act is situated.

(2) A host Member State shall mean the Member State in which an insurance agent, insurance broker, insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank has a permanent presence or establishment or provides services, and which is not its home Member State.

Article 7d
(Branch and primary place of business)

(1) A branch shall mean an agency or branch of an insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act which is located in the territory of a Member State other than the home Member State.

(2) Primary place of business shall mean the location from where the main business of an insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act is managed.

Article 7e
(Durable medium)

A durable medium shall mean any instrument which:
- enables a policyholder or potential policyholder to store information addressed personally to that policyholder in a way accessible for future reference and for a period of time adequate for the purposes of the information,
- allows a policyholder to perform unchanged reproduction of the information stored.

Article 7f
(Insurance distributor)

An insurance distributor in the Republic of Slovenia is any

zavarovalni zastopnik, ki ima dovoljenje v skladu s 543.b členom tega zakona, zavarovalni posrednik, ki ima dovoljenje v skladu s 548. členom tega zakona, zavarovalno zastopniška družba in zavarovalno posredniška družba, ki imata dovoljenje v skladu s prvim odstavkom 558. člena tega zakona, zastopnik dopolnilnih zavarovanj iz tretjega odstavka 558. člena tega zakona, banka iz osmega odstavka 558. člena tega zakona in zavarovalnica.

1.2.3. Pojmi v zvezi z osebami, ki opravljajo zavarovalne in pozavarovalne posle, in drugimi osebami

8. člen
(zavarovalnica, pozavarovalnica, lastna zavarovalnica in lastna pozavarovalnica)

(1) Zavarovalnica je pravna oseba, ki opravlja zavarovalne posle na podlagi dovoljenja nadzornega organa za opravljanje teh poslov.

(2) Pozavarovalnica je pravna oseba, ki opravlja le zavarovalne posle pozavarovanja na podlagi dovoljenja nadzornega organa za opravljanje teh poslov.

(3) Lastna zavarovalnica je zavarovalnica, ki je v lasti bodisi finančnega podjetja, ki ni zavarovalnica, pozavarovalnica ali skupina zavarovalnic ali pozavarovalnic po 19. členu tega zakona, bodisi nefinančnega podjetja, ki ponuja zavarovalno kritje izključno za tveganja podjetja ali podjetij, katerim pripada, ali podjetja ali podjetij iz skupine, katere članica je.

(4) Lastna pozavarovalnica je pozavarovalnica, ki je v lasti bodisi finančnega podjetja, ki ni zavarovalnica, pozavarovalnica ali skupina zavarovalnic ali pozavarovalnic po 19. členu tega zakona, bodisi nefinančnega podjetja, ki ponuja pozavarovalno kritje izključno za tveganja podjetja ali podjetij, katerim pripada, ali podjetja ali podjetij iz skupine, katere članica je.

insurance agent holding an authorisation referred to in Article 543b of this Act, an insurance broker holding an authorisation referred to in Article 548 of this Act, an insurance agency company and insurance brokerage company holding an authorisation referred to in paragraph one of Article 558 of this Act, an ancillary insurance intermediary referred to in paragraph three of Article 558 of this Act, a bank referred to in paragraph eight of Article 558 of this Act and an insurance undertaking.

1.2.3. Terms relating to persons conducting insurance and reinsurance business and other persons

Article 8
(Insurance undertaking, reinsurance undertaking, captive insurance undertaking and captive reinsurance undertaking)

(1) An insurance undertaking shall be a legal person that conducts insurance business based on authorisation to conduct such business issued by the supervisory authority.

(2) A reinsurance undertaking shall be a legal person that conducts only reinsurance business based on authorisation to conduct such business issued by the supervisory authority.

(3) A captive insurance undertaking shall mean an insurance undertaking owned either by a financial undertaking other than an insurance or reinsurance undertaking or a group of insurance or reinsurance undertakings within the meaning of Article 19 of this Act or by a non-financial undertaking, the purpose of which is to provide insurance cover exclusively for the risks of the undertaking or undertakings to which it belongs or of an undertaking or undertakings of the group of which it is a member.

(4) A captive reinsurance undertaking shall mean a reinsurance undertaking owned either by a financial undertaking other than an insurance or reinsurance undertaking or a group of insurance or reinsurance undertakings within the meaning of Article 19 of this Act or by a non-financial undertaking, the purpose of which is to provide reinsurance cover exclusively for the risks of the undertaking or undertakings to which it belongs or of an undertaking or undertakings of

(5) Pojem zavarovalnica, ki ne vsebuje dodatka »države članice« ali »tretje države«, je uporabljen za zavarovalnico s sedežem v Republiki Sloveniji.

(6) Pojem pozavarovalnica, ki ne vsebuje dodatka »države članice« ali »tretje države«, je uporabljen za pozavarovalnico s sedežem v Republiki Sloveniji.

(7) Pri vpisu v sodni register in poslovni register firma ne sme vsebovati sestavine »zavarovalnica« oziroma »pozavarovalnica« in izpeljank iz teh besed, če pravna oseba ni pridobila dovoljenja nadzornega organa za opravljanje zavarovalnih poslov.

9. člen
(osebe po državni pripadnosti)

(1) Država članica je država članica EU ali država podpisnica Sporazuma o ustanovitvi Evropskega gospodarskega prostora (UL L št. 1 z dne 3. januarja 1994, str. 3).

(2) Tretja država je država, ki ni država članica.

(3) Oseba posamezne države je fizična oseba, ki ima v tej državi bivališče ali pravna oseba, ki ima na območju te države sedež.

10. člen
(država sedeža in država gostiteljica)

(1) Država sedeža zavarovalnice je država, v kateri je zavarovalnica pridobila dovoljenje za opravljanje zavarovalnih poslov.

(2) Država gostiteljica zavarovalnice je država:

the group of which it is a member.

(5) The term insurance undertaking which does not include the addendum "from a Member State" or "from a third country" shall apply to an insurance undertaking with its head office in the Republic of Slovenia.

(6) The term reinsurance undertaking which does not include the addendum "from a Member State" or "from a third country" shall apply to a reinsurance undertaking with its head office in the Republic of Slovenia.

(7) At the time of entry in the court register and the business register, the corporate name may not include the component "insurance undertaking" or "reinsurance undertaking" and derivatives of these words, if the legal person is not authorised by the supervisory authority to conduct insurance business.

Article 9
(Persons by state affiliation)

(1) A Member State shall mean a member of the EU or a signatory state of the Agreement on the European Economic Area (OJ L No. 1 of 3 January 1994, p. 3).

(2) Third country shall mean a non-Member State.

(3) A person of an individual country shall be a natural person who has residence in such country or a legal person with its head office in the territory of such country.

Article 10
(Country of head office and host country)

(1) The country of head office of an insurance undertaking shall be the country in which an insurance undertaking is authorised to conduct insurance business.

(2) The host country of an insurance undertaking shall be the country:

1. ki ni država sedeža te zavarovalnice in
2. v kateri je zavarovalnica ustanovila podružnico ali v kateri neposredno opravlja zavarovalne posle.

(3) Podružnica pomeni zastopstvo ali podružnico zavarovalnice, ki se nahaja na ozemlju države gostiteljice. Vsaka trajna navzočnost zavarovalnice na območju države, ki ni država sedeža te zavarovalnice, se obravnava enako kakor podružnica, tudi če nima oblike podružnice, ampak jo predstavlja le pisarna, ki jo vodi osebje zavarovalnice ali pa vodi pisarno neodvisna oseba s stalnim pooblastilom, da dela za zavarovalnico tako, kakor bi delalo zastopstvo.

(4) Poslovalnica pomeni sedež ali podružnico zavarovalnice.

11. člen
(nadzorovana finančna družba, nadzorni organ in dovoljenje za opravljanje zavarovalnih poslov)

(1) Nadzorovana finančna družba je finančna družba, nad katero opravlja nadzor nadzorni organ, pristojen za nadzor nad finančnimi družbami.

(2) Nadzorni organ je organ, pristojen za nadzor nad zavarovalnicami, razen če je v posamezni določbi tega zakona določeno, da se ta določba nanaša na nadzorni organ, pristojen za nadzor nad drugimi finančnimi družbami.

(3) Zadevi organ je vsak nadzorni organ, ki je na podlagi tega zakona, ali akta, ki je bil sprejet zaradi prenosa Direktive 2009/138/ES, vključen v nadzor zavarovalnice, razen če je v posamezni določbi tega zakona določeno, da se ta določba nanaša na nadzorne organe, vključene v nadzor nad drugimi finančnimi družbami.

(4) Dovoljenje za opravljanje zavarovalnih poslov je pravni akt, ki ga v kakršnikoli obliki izda nadzorni organ sedeža zavarovalnice in na podlagi katerega ta zavarovalnica pridobi pravico opravljati zavarovalne

1. that is not the country of head office of this insurance undertaking and
2. where the insurance undertaking has established a branch or where it directly conducts insurance business.

(3) A branch means an agency or a branch of an insurance undertaking which is located in the territory of the host country. Any permanent presence of an insurance undertaking in the territory of a country that is not the country of the head office of this insurance undertaking shall be treated in the same way as a branch, even if it does not take the form of a branch, but it is represented only by an office managed by the insurance undertaking's staff or by a person that is independent but has permanent authority to act for the insurance undertaking as an agency would.

(4) An establishment means the head office or a branch of an insurance undertaking.

Article 11
(Supervised financial undertaking, supervisory authority and authorisation to conduct insurance business)

(1) A supervised financial undertaking shall be a financial undertaking subject to supervision by the supervisory authority responsible for supervising financial undertakings.

(2) A supervisory authority shall be an authority responsible for supervising insurance undertakings, unless a provision of this Act provides that this provision refers to the supervisory authority responsible for supervising other financial undertakings.

(3) Respective authority shall be any supervisory authority which, on the basis of this Act or an Act adopted to transpose Directive 2009/138/EC, is involved in the supervision of an insurance undertaking, unless a particular provision of this Act provides that this provision refers to the supervisory authorities involved in the supervision of other financial undertakings.

(4) An authorisation to conduct insurance business shall be a legal act which is issued in any form by the supervisory authority of the head office of an insurance undertaking, and on the basis of which such

posle.

12. člen
(Evropska komisija, EIOPA in OECD)

(1) Evropska komisija je Komisija EU.

(2) Evropski organ za zavarovanja in poklicne pokojnine (v nadaljnjem besedilu: EIOPA) je organ, ustanovljen z Uredbo 1094/2010.

(3) Organizacija za gospodarsko sodelovanje in razvoj (v nadaljnjem besedilu: OECD) je organizacija h kateri je Republika Slovenija pristopila z uveljavitvijo Zakona o ratifikaciji Sporazuma o pogojih pristopa Republike Slovenije h Konvenciji o Organizaciji za gospodarsko sodelovanje in razvoj (Uradni list RS – MP, št. 10/10).

1.2.4. Kvalificirani delež, obvladovanje in razmerja povezanosti

13. člen
(kvalificirani delež in udeležba)

(1) Kvalificirani delež je posredno ali neposredno imetništvo poslovnega deleža, delnic ali drugih pravic v določeni pravni osebi, na podlagi katerih imetnik pridobi:
1. najmanj 10% delež glasovalnih pravic ali najmanj 10% delež v kapitalu te pravne osebe ali
2. delež glasovalnih pravic ali delež v kapitalu te pravne osebe, ki je manjši od 10%, vendar mu že ta omogoča izvajanje pomembnega vpliva na upravljanje te pravne osebe.

(2) Udeležba je posredno ali neposredno imetništvo poslovnega deleža, delnic ali drugih pravic v določeni pravni osebi, na podlagi katerih imetnik pridobi najmanj 20% delež glasovalnih pravic ali

insurance undertaking is eligible to conduct insurance business.

Article 12
(European Commission, EIOPA and OECD)

(1) The European Commission shall mean the Commission of the EU.

(2) The European Insurance and Occupational Pensions Authority (hereinafter: EIOPA) shall mean the authority established under Regulation 1094/2010.

(3) The Organisation for Economic Co-operation and Development (hereinafter: OECD) shall mean the organisation to which the Republic of Slovenia acceded with the entry into force of the Act ratifying the Agreement on the Terms of Accession of the Republic of Slovenia to the Convention on the Organisation for Economic Co-Operation and Development (Official Gazette of the Republic of Slovenia – International Treaties *[Uradni list RS – Mednarodne pogodbe]*, No. 10/10).

1.2.4. Qualifying holding, control and close links

Article 13
(Qualifying holding and participation)

(1) A qualifying holding shall be a direct or indirect ownership of a shareholding, shares or other rights in a certain legal person which grants the holder:
1. no less than 10% of voting rights or no less than a 10% equity share in the legal person, or
2. a share of the voting rights or the capital of this legal person which is less than 10%, but still makes it possible to exercise significant influence over the management of that legal person.

(2) Participation shall be a direct or indirect ownership of a shareholding, shares or other rights in a certain legal person, which grants the holder at least 20% of the voting rights or at least 20% of the capital in

najmanj 20% delež v kapitalu te pravne osebe. Za udeležbo po 19. členu in 8. poglavju tega zakona šteje tudi vsako neposredno ali posredno imetništvo poslovnega deleža, delnic ali drugih pravic v določeni pravni osebi, na podlagi katerih ima imetnik pomemben vpliv na upravljanje te pravne osebe.

14. člen
(nadrejena oseba in podrejena družba)

(1) Nadrejena družba je družba, ki v razmerju do druge družbe (v nadaljnjem besedilu: podrejena družba) izpolnjuje enega od naslednjih pogojev:

1. ima večino glasovalnih pravic v podrejeni družbi,
2. ima pravico imenovati ali odpoklicati večino članov uprave ali članov nadzornega sveta ali drugega organa vodenja ali nadzora podrejene družbe in je hkrati družbenik oziroma delničar te družbe,
3. ima pravico izvajati prevladujoč vpliv nad podrejeno družbo na podlagi podjetniške pogodbe korporacijskega prava ali drugega pravnega temelja ali
4. je družbenik oziroma delničar v podrejeni družbi in na podlagi pogodbe ali drugega pravnega posla, sklenjenega z drugimi družbeniki oziroma delničarji, nadzoruje večino glasovalnih pravic v tej družbi.

(2) Pri uporabi tega zakona se družba, ki je neposredno nadrejena drugi družbi, obravnava hkrati kot nadrejena družba vseh družb, ki imajo položaj podrejene družbe te druge družbe.

(3) Pri uporabi 1., 2. in 4. točke prvega odstavka tega člena se glasovalnim pravicam ali pravicam imenovanja in odpoklica, katerih imetnik je nadrejena družba, prištejejo glasovalne pravice ali pravice imenovanja in odpoklica, katerih imetnik je druga družba, ki je podrejena nadrejeni družbi, in navedene pravice oseb, ki delujejo za račun nadrejene družbe ali druge družbe, ki je podrejena nadrejeni družbi.

(4) Pri uporabi 1., 2. in 4. točke prvega odstavka tega člena se od glasovalnih pravic ali pravic imenovanja in odpoklica, ki izhajajo iz delnic, katerih imetnik je nadrejena družba ali druga družba, ki je

this legal person. Participation referred to in Article 19 and Chapter Eight shall mean any direct or indirect ownership of a shareholding, shares or other rights in a certain legal person by which the holder exercises a significant influence over the management of that legal person.

Article 14
(Parent entity and subsidiary company)

(1) A parent undertaking shall mean an undertaking that, in relation to another undertaking (hereinafter: a subsidiary), meets one of the following conditions:

1. it holds the majority of the voting rights in the subsidiary,
2. it has the right to appoint and discharge the majority of the members of the management board or of the supervisory board or of other management or supervisory authorities of the subsidiary and is, at the same time, a member or shareholder of that undertaking,
3. it has the right to exercise a controlling influence over the subsidiary company on the basis of an enterprise contract under corporation law or on other legal grounds, or
4. it is a company member or shareholder of the subsidiary company, and has, on the basis of a contract or another legal transaction entered into with other company members or shareholders, the majority of the subsidiary company's voting rights.

(2) In the application of this Act, an undertaking that directly controls another undertaking shall be considered an undertaking that controls all undertakings that are subsidiaries of such other undertaking.

(3) In the application of points 1, 2 and 4 of paragraph one of this Article, the voting rights or rights of appointment and recall being held by another company which is controlled by the parent company, and the listed rights of persons acting on behalf of the parent company or another company which is controlled by the parent company, shall be added to the voting rights or rights of appointment and recall being held by the parent company.

(4) In the application of points 1, 2 and 4 of paragraph one of this Article, the voting rights or the rights to appoint or recall attaching to the shares held by a parent company or another company controlled by

podrejena tej nadrejeni družbi, odštejejo navedene pravice, ki izhajajo iz tistih delnic, katerih imetnik je ta družba in glede katerih je izpolnjen eden od naslednjih pogojev:

1. družba je delnice pridobila in jih ima za račun druge osebe, ki ni niti nadrejena družba niti tej nadrejeni družbi podrejena družba ali

2. družba je delnice pridobila kot zavarovanje za svojo terjatev in navedene pravice uresničuje v skladu s prejetimi navodili osebe, ki je te delnice zagotovila kot zavarovanje svoje obveznosti do družbe.

(5) Pri uporabi 1. in 4. točke prvega odstavka tega člena se za namen izračuna večine glasovalnih pravic v podrejeni družbi od skupnega števila delnic ali glasovalnih pravic v tej družbi odštejejo glasovalne pravice iz delnic, katerih imetnik je:

1. ta družba sama,
2. podrejena družba te družbe ali
3. druga oseba, ki je imetnik teh delnic za račun družb iz 1. ali 2. točke tega odstavka.

(6) Druga nadrejena oseba je vsaka fizična ali pravna oseba, ki ni nadrejena družba in ki glede glasovalnih pravic ali pravic imenovanja in odpoklica v podrejeni družbi izpolnjuje pogoje iz prvega do petega odstavka tega člena.

(7) Pojem nadrejena oseba je uporabljen kot skupni pojem za nadrejeno družbo in drugo nadrejeno osebo.

15. člen
(obvladovanje)

Obvladovanje je razmerje med nadrejeno in podrejeno družbo ali temu razmerju podobno razmerje med drugo nadrejeno osebo in podrejeno družbo.

16. člen
(tesna povezanost)

Tesna povezanost je položaj, pri katerem sta dve ali več fizičnih

such parent company shall not include the aforementioned rights attaching to the shares held by this company and subject to the fulfilment of one of the following conditions:

1. the undertaking has acquired the shares and holds them for the account of another person that is neither a parent undertaking nor a subsidiary thereof, or
2. the company has acquired shares as security for its claim and is exercising its aforementioned rights in accordance with the instructions received from the person that delivered these shares as security for its liabilities to the company.

(5) In the application of points 1 and 4 of paragraph one of this Article, for the purpose of calculating the majority of voting rights in a subsidiary the total shares or voting rights in such undertaking shall not include the voting rights arising from shares held by:

1. the undertaking itself,
2. the subsidiary of such undertaking, or
3. another person that holds such shares for the account of undertakings referred to in points 1 or 2 of this paragraph.

(6) Another parent entity shall mean any natural or legal person that is not a parent undertaking and that meets the conditions specified by the provisions referred to in paragraphs one to five of this Article regarding voting rights or rights to appoint and discharge officers in the subsidiary.

(7) The term parent entity shall be used to collectively denote parent undertakings and other parent entities.

Article 15
(Control)

Control shall mean a relationship between a parent undertaking and a subsidiary thereof or a similar relationship between another parent undertaking and a subsidiary thereof.

Article 16
(Close links)

Close links shall mean a situation in which two or more natural

ali pravnih oseb povezanih na enega od naslednjih načinov:
1. ena od njiju je posredno ali neposredno imetnik poslovnega deleža, delnic ali drugih pravic, na podlagi katerega je udeležena pri upravljanju druge osebe ali v kapitalu druge osebe z najmanj 20% deležem;
2. z obvladovanjem;
3. vse obvladuje ista tretja oseba.

17. člen
(družbe povezane s skupnim vodenjem)

Družbe, povezane s skupnim vodenjem, so družbe, ki med seboj niso v položaju tesne povezanosti, vendar je med njimi ena od naslednjih povezav:
1. upravljajo se na enotni podlagi v skladu s sklenjeno pogodbo ali statutarnimi določbami ali
2. večina članov oziroma članic njihovih organov vodenja ali nadzora so iste osebe.

18. člen
(skupina povezanih oseb in ožji družinski član)

(1) Skupina povezanih oseb je:
1. skupina dveh ali več fizičnih ali pravnih oseb, kjer ena od njih neposredno ali posredno obvladuje druge;
2. skupina dveh ali več fizičnih ali pravnih oseb, ki med seboj niso v položaju obvladovanja, ker so med seboj povezane tako, da poslovanje oziroma rezultati ene od njih lahko pomembno vplivajo na poslovanje oziroma rezultate druge osebe.

(2) V skupino povezanih oseb se uvrščajo osebe, ki so med seboj povezane:
1. kot ožji družinski člani;
2. ena oseba oziroma osebe, ki se štejejo za povezane po drugih določbah tega člena, so skupaj posredno ali neposredno udeležene v drugi osebi;
3. v obeh osebah je udeležena ista oseba oziroma osebe, ki se štejejo za povezane po drugih določbah tega člena;

or legal persons are linked in any of the following ways:
1. one of them holding a direct or indirect shareholding, shares or other rights, based on which it participates in the management of another person or in its capital with at least a 20% share;
2. control;
3. the same third party having control over them.

Article 17
(Undertakings linked by joint management)

Undertakings linked by joint management shall mean undertakings which are not closely linked, except for one of the following links which exists between them:
1. they are managed on a uniform basis pursuant to a concluded contract or instruments of incorporation, or
2. the majority of members of the management or supervisory bodies are the same persons.

Article 18
(Groups of connected persons and close family members)

(1) A group of connected persons shall mean:
1. a group of two or more natural or legal persons of which one directly or indirectly controls the others;
2. a group of two or more natural or legal persons of which one does not control another, but the business performance or business results of one of them may materially affect the business performance or business results of another.

(2) A group of connected persons shall include persons which are connected:
1. immediate family members;
2. as one person or persons that are deemed connected persons pursuant to other provisions of this Article, directly or indirectly jointly participating in another person;
3. in such a way that the same person or persons that are deemed connected pursuant to other provisions of this Article participate in both persons;

4. tako, da tvorijo koncern po zakonu, ki ureja gospodarske družbe;

5. kot člani uprave, nadzornega sveta ali prokuristi oziroma zaposleni s posebnimi pooblastili in pristojnostmi, z družbo, v kateri opravljajo to funkcijo oziroma v kateri so zaposleni, in ožji družinski člani te osebe.

(3) Za ožje družinske člane posamezne osebe po tem zakonu se štejejo:
1. njen zakonec ali oseba, s katero živi v življenjski skupnosti, ki ima po zakonu, ki ureja zakonsko zvezo in družinska razmerja, enake pravne posledice kot zakonska zveza, partner registrirane istospolne partnerske skupnosti in partner v neregistrirani istospolni partnerski skupnosti;
2. otrok te osebe ali osebe iz prejšnje točke, ki nima polne poslovne sposobnosti;
3. druga oseba, ki jo je ta oseba dolžna preživljati.

19. člen
(skupina)

Skupina po zakonu, ki ureja finančne konglomerate, je skupina, znotraj katere ima vsaj ena družba položaj:
1. zavarovalnice, ki je nadrejena ali udeležena v vsaj eni drugi zavarovalnici;
2. zavarovalnice, ki je z drugo zavarovalnico povezana s skupnim vodenjem ali
3. nadrejenega zavarovalnega holdinga, mešanega zavarovalnega holdinga ali mešanega finančnega holdinga, ki mu je podrejena vsaj ena zavarovalnica.

20. člen
(posredno imetništvo)

(1) Posredni imetnik delnic, poslovnih deležev ali drugih pravic, ki zagotavljajo udeležbo pri upravljanju ali v kapitalu, je oseba, za račun katere je druga oseba kot neposredni imetnik pridobila te delnice, poslovne deleže ali druge pravice, ki zagotavljajo udeležbo pri upravljanju ali v kapitalu.

4. in such a way that they form a concern according to the Act governing companies;
5. as members of the management or supervisory board or holders of procuration or employees holding special authorisations and powers in the company where they perform this function or where they are employed, and close family members of such a person.

(3) Close family members of a particular person under this Act shall include:
1. that person’s spouse or a person living in a committed relationship with that person, having the same legal consequences as marital union according to the Act governing marriage and family relationship, a partner in a registered civil partnership and a partner in an unregistered civil partnership;
2. that person’s child or a person referred to in the preceding point who does not have full legal capacity;
3. another person who this person must maintain.

Article 19
(Group)

Pursuant to the Act governing financial conglomerates, a group shall mean a group within which at least one undertaking shall be:
1. an insurance undertaking that is a parent company or participates in at least one other insurance undertaking;
2. an insurance undertaking that is connected to another insurance undertaking by joint management or
3. a parent insurance holding company, a mixed insurance holding company or a mixed financial holding company that controls at least one insurance undertaking.

Article 20
(Indirect holding)

(1) An indirect holder of shares, holdings or other rights ensuring participation in management or capital shall mean a person for whose account another person, as a direct holder, has acquired the mentioned shares, holdings or other rights ensuring participation in the management or capital.

(2) Šteje se, če se ne dokaže drugače, da je podrejena družba pridobila delnice, poslovne deleže ali druge pravice, ki zagotavljajo udeležbo pri upravljanju ali v kapitalu, za račun svoje nadrejene družbe ali druge nadrejene osebe.

1.3. Temeljna pravila o opravljanju zavarovalnih poslov

21. člen
(opravljanje zavarovalnih poslov)

Na območju Republike Slovenije lahko zavarovalne posle opravlja:
1. zavarovalnica, ki je za opravljanje teh poslov pridobila dovoljenje Agencije za zavarovalni nadzor;
2. zavarovalnica države članice, ki v skladu s tem zakonom ustanovi podružnico na območju Republike Slovenije oziroma je v skladu s tem zakonom upravičena neposredno opravljati zavarovalne posle na območju Republike Slovenije;
3. zavarovalnica tretje države, ki je v skladu s tem zakonom upravičena neposredno opravljati zavarovalne posle na območju Republike Slovenije ali podružnica zavarovalnice tretje države, ki pridobi dovoljenje Agencije za zavarovalni nadzor za ustanovitev podružnice.

22. člen
(neposredno opravljanje zavarovalnih poslov)

Šteje se, da zavarovalnica neposredno opravlja zavarovalne posle na območju Republike Slovenije, če:
1. sklepa pravne posle, katerih predmet so zavarovalni posli, ki krijejo nevarnosti v Republiki Sloveniji;
2. na območju Republike Slovenije osebam, ki imajo bivališče oziroma sedež na območju Republike Slovenije, ponuja svoje storitve na enega od naslednjih načinov:
   - prek oglasnih sporočil, poslanih tem osebam po pošti ali na drug način,
   - prek zavarovalnih zastopnikov oziroma zastopnic (v nadaljnjem

(2) In the absence of proof to the contrary, a subsidiary company shall be deemed to have obtained shares, shareholdings or other rights ensuring participation in management or capital for the account of its parent company or another parent entity.

1.3. Fundamental rules on conducting insurance business

Article 21
(Conducting insurance business)

In the territory of the Republic of Slovenia, insurance business may be conducted by:
1. an insurance undertaking that has been authorised to conduct such business by the Insurance Supervision Agency;
2. an insurance undertaking from a Member State which pursuant to this Act has established a branch in the territory of the Republic of Slovenia or is pursuant to this Act authorised to directly conduct insurance business in the territory of the Republic of Slovenia;
3. an insurance undertaking from a third country which pursuant to this Act is authorised to directly conduct insurance business in the territory of the Republic of Slovenia or a branch of an insurance undertaking from a third country that has obtained authorisation from the Insurance Supervision Agency to establish a branch.

Article 22
(Direct conduct of insurance business)

An insurance undertaking shall be deemed to directly conduct insurance business in the territory of the Republic of Slovenia, if:
1. it concludes legal transactions for the purpose of insurance business that covers risks located in the Republic of Slovenia;
2. it offers its services in the territory of the Republic of Slovenia to persons that have residence or head office in the territory of the Republic of Slovenia in one of the following ways:
   - by advertising sent to these persons by post or in any other manner,
   - via insurance agents or insurance brokers.

besedilu: zavarovalni zastopnik) ali zavarovalnih posrednikov oziroma posrednic (v nadaljnjem besedilu: zavarovalni posrednik).

23. člen
(območje nevarnosti)

(1) Šteje se, da zavarovalni posli krijejo nevarnosti v Republiki Sloveniji:

1. pri zavarovanju nevarnosti v zvezi z zemljišči, zgradbami ali v zvezi s premičnimi stvarmi v teh zgradbah, ki so za varovane z isto zavarovalno pogodbo, če so zemljišča oziroma zgradbe na območju Republike Slovenije;
2. pri zavarovanju prometnih sredstev, če so ta prometna sredstva registrirana na območju Republike Slovenije;
3. pri zavarovanju nevarnosti v zvezi s potovanji in počitnicami, kadar zavarovalna pogodba velja največ štiri mesece, če je zavarovalec sklenil zavarovalno pogodbo v Republiki Sloveniji;
4. pri drugih zavarovanjih, ki niso zajeta v prejšnjih točkah, kadar je zavarovalec:
   - fizična oseba, če ima ta oseba bivališče na območju Republike Slovenije, ali
   - pravna oseba, če ima ta pravna oseba sedež na območju Republike Slovenije.

(2) Prometno sredstvo je kopensko vozilo, tirno vozilo, plovilo, zrakoplov ali druga letalna naprava.

2. poglavje:

STATUSNE DOLOČBE

2.1. *Splošne določbe*

24. člen
(pravnoorganizacijska oblika)

(1) Zavarovalnica je organizirana v pravnoorganizacijski obliki

Article 23
(Risk areas)

(1) Insurance business shall be deemed to cover risks located in the Republic of Slovenia:

1. when insuring risks related to land, buildings or movable property in these buildings insured by the same insurance contract if the land or buildings are located in the territory of the Republic of Slovenia;
2. when insuring means of transport if these means of transport are registered in the territory of the Republic of Slovenia;
3. when insuring risks related to travel and holidays if the insurance contract is valid for no longer than four months, if the policyholder concluded the insurance contract in the Republic of Slovenia;
4. for any other insurance which is not included in the preceding points when the policyholder is:
   - a natural person if this person has residence in the territory of the Republic of Slovenia, or
   - a legal person if this person has its head office in the territory of the Republic of Slovenia.

(2) A means of transport shall mean a land vehicle, vehicle on rails, a vessel, an aircraft or other flying machine.

Chapter Two

STATUS PROVISIONS

2.1. *General Provisions*

Article 24
(Legal form)

(1) An insurance undertaking shall be organised in the legal

delniške družbe, evropske delniške družbe ali družbe za vzajemno zavarovanje.

(2) Ne glede na prejšnji odstavek je pozavarovalnica lahko organizirana samo kot delniška družba ali kot evropska delniška družba

25. člen
(uporaba določb zakona o gospodarskih družbah)

(1) Za zavarovalnico, ki je organizirana kot delniška ali evropska delniška družba, se uporabljajo določbe zakona, ki ureja gospodarske družbe, ki veljajo za delniške družbe oziroma evropske delniške družbe, če ni s tem zakonom drugače določeno.

(2) Za družbo za vzajemno zavarovanje se smiselno uporablja zakon, ki ureja gospodarske družbe, če ni s tem zakonom drugače določeno.

2.2. *Dejavnost zavarovalnice*

26. člen
(dejavnost zavarovalnice)

(1) Zavarovalnica sme opravljati samo zavarovalne posle.

(2) Zavarovalnica lahko opravlja zavarovalne posle v posamezni zavarovalni vrsti ali skupini. Skupaj pa lahko opravlja zavarovalne posle le v eni od naslednjih zavarovalnih skupin:
1. življenjska zavarovanja,
2. premoženjska zavarovanja.

(3) Ne glede na prejšnji odstavek lahko zavarovalnica, ki je pridobila dovoljenje za opravljanje zavarovalnih poslov v zavarovalnih vrstah iz zavarovalne skupine življenjskih zavarovanj, opravlja tudi zavarovalne posle v zavarovalnih vrstah nezgodnega in zdravstvenega

form of a public limited company, a European public limited-liability company or a mutual insurance company.

(2) Notwithstanding the preceding paragraph, a reinsurance undertaking may be organised only as a public limited company or a European public limited-liability company.

Article 25
(Application of provisions of the Companies Act)

(1) The provisions of the Act governing companies that apply to public limited companies or European public limited-liability companies shall apply to an insurance undertaking organised in the form of a public limited company or in the form of a European public limited-liability company.

(2) The provisions of the Act governing companies shall apply, *mutatis mutandis*, to a mutual insurance company, unless otherwise provided by this Act.

2.2. *Activity of an insurance undertaking*

Article 26
(Activity of an insurance undertaking)

(1) An insurance undertaking may only conduct insurance business.

(2) An insurance undertaking may conduct insurance business included in an individual insurance class or group. Insurance business may only be conducted within one of the following insurance groups:
1. life insurance,
2. non-life insurance.

(3) Notwithstanding the preceding paragraph, an insurance undertaking that has obtained authorisation to conduct insurance business in insurance classes of the life insurance group may also conduct insurance business in the insurance classes in accident and health

zavarovanja iz 1. in 2. točke drugega odstavka 7. člena tega zakona, če je pridobila dovoljenje za opravljanje zavarovalnih poslov v ustrezni zavarovalni vrsti.

(4) Ne glede na drugi odstavek tega člena lahko zavarovalnica, ki je pridobila dovoljenje za opravljanje zavarovalnih poslov le v zavarovalni vrsti iz 1. oziroma 2. točke drugega odstavka 7. člena tega zakona, opravlja tudi zavarovalne posle v zavarovalnih vrstah iz skupine življenjskih zavarovanj, če je pridobila dovoljenje za opravljanje zavarovalnih poslov v zavarovalni vrsti iz skupine življenjskih zavarovanj.

(5) Ne glede na drugi odstavek tega člena lahko zavarovalnica, ki je 1. maja 2004 hkrati opravljala zavarovalne posle v zavarovalni skupini življenjskih in v zavarovalni skupini premoženjskih zavarovanj, še naprej hkrati opravlja navedene zavarovalne posle (v nadaljnjem besedilu: kompozitna zavarovalnica).

(6) Ne glede na prvi odstavek tega člena lahko zavarovalnica opravlja tudi posle, ki so z zavarovalnimi posli v neposredni zvezi.

(7) Za posle iz prejšnjega odstavka se štejejo zlasti:

1. terminske pogodbe, opcije in drugi izvedeni finančni instrumenti, če prispevajo k zmanjševanju tržnih tveganj (zaščita pred tržnimi tveganji);
2. posredovanje pri prodaji oziroma prodaja v zavarovalnih primerih poškodovanih predmetov, ki ob reševanju škodnih primerov pripadejo zavarovalnici;
3. izvajanje ukrepov za preprečevanje in odpravljanje nevarnosti, ki ogrožajo zavarovano premoženje in osebe;
4. ocena ravni izpostavljenosti zavarovalnega objekta in ocenjevanje škod;
5. opravljanje drugih intelektualnih in tehničnih storitev v zvezi z zavarovalnimi posli;
6. zastopanje ali posredovanje pri sklepanju zavarovalnih poslov za druge zavarovalnice in pri sklepanju dodatnega zavarovanja iz dvanajstega dela Zakona o pokojninskem in invalidskem zavarovanju (Uradni list RS, št. 96/12, 39/13, 99/13 – ZSVarPre-C, 101/13 – ZIPRS1415, 44/14 – ORZPIZ206, 85/14 – ZUJF-B, 95/14 – ZUJF-C,

insurance referred to in points 1 and 2 of paragraph two of Article 7 of this Act if it has been authorised to conduct insurance business in the relevant insurance class.

(4) Notwithstanding paragraph two of this Article, an insurance undertaking that has been authorised to conduct insurance business only in the class of insurance referred to in point 1 or 2 of paragraph two of Article 7 of this Act may also conduct insurance business in the insurance classes in the life insurance group provided it has been authorised to conduct insurance business in an insurance class of the life insurance group.

(5) Notwithstanding paragraph two of this Article, an insurance undertaking which, on 1 May 2004, conducted insurance business in the life insurance group and in the non-life insurance group concurrently may continue to conduct the stated insurance business (hereinafter: composite insurance undertaking).

(6) Notwithstanding paragraph one of this Article, an insurance undertaking may also conduct business that is directly related to insurance business.

(7) The following in particular shall be deemed business as referred to in the preceding paragraph:

1. futures and forward contracts, options and other financial derivative instruments if they mitigate market risks (hedging against market risks);
2. brokerage services in connection with or sale of damaged property which become the property of the insurance undertaking when resolving loss events;
3. implementation of measures for the prevention and elimination of risks threatening insured property and persons;
4. assessment of exposure rate relating to the insurance object, and loss assessment;
5. performance of other intellectual and technical services related to insurance business;
6. agency or brokerage in the conclusion of insurance business for other insurance undertakings and in the conclusion of supplementary insurance referred to in Part XII of the Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 96/12, 39/13, 99/13 – ZSVarPre-C, 101/13 – ZIPRS1415,

90/15 – ZIUPTD, 102/15, 23/17, 40/17 in 65/17; v nadaljnjem besedilu: ZPIZ-2).

(8) Ne glede na prvi odstavek tega člena lahko zavarovalnica opravlja tudi posle za druge družbe v zavarovalniški skupini, vendar le, če ne povečujejo tveganj za zavarovalniško skupino, in le tiste vrste poslov, ki so del poslovanja zavarovalnice v okviru njene osnovne dejavnosti.

(9) Ne glede na prvi odstavek tega člena lahko zavarovalnica, ki opravlja zavarovalne posle v zavarovalni skupini življenjskih zavarovanj, opravlja tudi dejavnost upravljanja pokojninskih skladov po zakonu, ki ureja pokojninske sklade, če izpolnjuje pogoje, ki jih določa navedeni zakon.

(10) Zavarovalnica, ki je pridobila dovoljenje za opravljanje zavarovalnih poslov v eni ali več zavarovalnih vrstah premoženjskih zavarovanj, lahko opravlja zavarovalne posle tudi v zavarovalnih vrstah premoženjskih zavarovanj, za katere ni pridobila dovoljenja, če so izpolnjeni vsi naslednji pogoji:

1. zavarovanje krije nevarnost, ki je:
   - povezana z nevarnostjo, ki jo krije zavarovanje v zavarovalni vrsti, za katero je zavarovalnica pridobila dovoljenje (v nadaljnjem besedilu: glavna nevarnost),
   - v zvezi z istim predmetom kot glavna nevarnost,
   - krita z isto zavarovalno pogodbo;
2. če gre za nevarnost, ki je v razmerju do glavne nevarnosti pomožnega pomena;
3. ne gre za nevarnost, ki jo krijejo zavarovanja iz 14., 15. in 17. točke drugega odstavka 7. člena tega zakona;
4. ne glede na prejšnjo točko lahko zavarovalnica opravlja zavarovalne posle tudi za nevarnosti iz 17. točke drugega odstavka 7. člena tega zakona, če so ta zavarovanja dodatna zavarovanju, ki krije glavno nevarnost iz 18. točke drugega odstavka 7. člena tega zakona in so izpolnjeni pogoji iz 1. točke tega odstavka ter eden od naslednjih pogojev:

   - glavna nevarnost se nanaša le na pomoč, ponujeno osebam, ki zaidejo v težave med potovanjem, ko so proč od svojega doma ali svojega običajnega prebivališča, ali
   - zavarovanje se nanaša na nevarnost, ki izhajajo iz uporabe morskih

44/14 – ORZPIZ206, 85/14 – ZUJF-B, 95/14 – ZUJF-C, 90/15 – ZIUPTD, 102/15, 23/17, 40/17 and 65/17; hereinafter: ZPIZ-2).

(8) Notwithstanding paragraph one of this Article, an insurance undertaking may also conduct business for other undertakings in an insurance group, but only if it does not increase the risks to the insurance group and only such business that forms part of the operations of the insurance undertaking within its principal activity.

(9) Notwithstanding paragraph one of this Article, an insurance undertaking which conducts insurance business in the life insurance group may also engage in the management of pension funds, pursuant to the Act governing pension funds, provided that it fulfils the conditions provided by the stated Act.

(10) An insurance undertaking that has been authorised to conduct insurance business in one or several insurance classes that include non-life insurance may also conduct insurance business in classes of insurance which include non-life insurance for which it has not been authorised, provided that all of the following conditions are fulfilled:

1. the insurance covers risk which:
   - relates to the risk covered by insurance under the insurance class for which the insurance undertaking has been authorised (hereinafter: main risk),
   - relates to the same object as the main risk,
   - is covered by the same insurance contract;
2. a risk is involved which, in relation to the main risk, is of auxiliary significance;
3. a risk covered by insurance referred to in points 14, 15 and 17 of paragraph two of Article 27 of this Act is not involved;
4. notwithstanding the preceding point, an insurance undertaking may also conduct insurance business for risks referred to in point 17 of paragraph two of Article 7 of this Act, provided that such insurance represents additional insurance to the insurance that covers the main risk referred to in point 18 of paragraph two of Article 7 of this Act, and if the conditions referred to in point 1 of this paragraph and one of the following conditions are fulfilled:
   - the main risk refers only to assistance provided to persons encountering problems while travelling, when they are absent from their home or their habitual residence, or
   - insurance refers to risks arising from the use of maritime vessels or

plovil oziroma je z njo povezano.

(11) Zavarovalnica lahko opravlja zavarovalne posle pozavarovanj, če je pridobila dovoljenje za opravljanje pozavarovalnih poslov.

27. člen
(dejavnost pozavarovanja)

(1) Pozavarovalnica sme opravljati samo zavarovalne posle pozavarovanj.

(2) Pozavarovalnica lahko opravlja zavarovalne posle sklepanja pozavarovanj v zavarovalni skupini premoženjska zavarovanja, zavarovalni skupini življenjska zavarovanja ali v obeh zavarovalnih skupinah iz drugega odstavka prejšnjega člena.

(3) Zavarovalnica lahko opravlja zavarovalne posle sklepanja pozavarovanj v zavarovalni skupini iz drugega odstavka prejšnjega člena, v kateri je pridobila dovoljenje za opravljanje zavarovalnih poslov.

28. člen
(ločeno upravljanje življenjskih in premoženjskih zavarovanj)

(1) Zavarovalnica, ki hkrati opravlja zavarovalne posle v zavarovalni skupini življenjskih in zavarovalni skupini premoženjskih zavarovanj:

- vodi poslovne knjige, sestavlja izkaz poslovnega izida ter bilanco stanja za namen ugotavljanja kapitalske ustreznosti ter poslovna poročila, ločeno za posle premoženjskih in življenjskih zavarovanj;

- sestavlja ločen izkaz poslovnega izida tako, da so vsi prihodki, zlasti premije, plačila pozavarovateljev in prihodki od naložb, ter odhodki, zlasti zavarovalne poravnave, spremembe zavarovalno-tehničnih rezervacij, pozavarovalne premije in operativni stroški v zvezi z zavarovalnimi posli, prikažejo glede na izvor. Postavke, ki so skupne za obe zavarovalni skupini, se vnesejo v skladu z metodo porazdelitve. Metodo porazdelitve prihodkov in odhodkov določi

risks related to them.

(11) An insurance undertaking may conduct reinsurance business if it has been authorised to conduct reinsurance business.

Article 27
(Reinsurance activity)

(1) A reinsurance undertaking may only conduct reinsurance business.

(2) A reinsurance undertaking may conduct reinsurance business in the non-life insurance group, the life insurance group or in both insurance groups referred to in paragraph two of the preceding Article.

(3) An insurance undertaking may conduct reinsurance business in the insurance group referred to in paragraph two of the preceding Article for which it has been authorised to conduct insurance business.

Article 28
(Separate management of life insurance and non-life insurance)

(1) An insurance undertaking conducting insurance business in the life and non-life insurance groups:

- keeps business books, compiles a profit and loss statement and a balance sheet for the purpose of determining capital adequacy, and business reports separately for life insurance and non-life insurance business;
- compiles a separate profit and loss statement where all revenues, in particular premiums, payments by reinsurers and investment income, and expenditure, in particular insurance settlements, modifications to technical provisions, reinsurance premiums and operating costs in respect of insurance business are broken down according to their origin. Items common to both insurance groups shall be inserted in accordance with the method of apportionment. The method of

zavarovalnica in zanjo pridobi naknadno soglasje Agencije za zavarovalni nadzor. Soglasje Agencije za zavarovalni nadzor je treba pridobiti tudi pri spremembah oziroma dopolnitvah metode porazdelitve;

- pripravi izjavo, v kateri so na podlagi bilance stanja, za ugotavljanje kapitalske ustreznosti jasno opredeljene postavke primernih osnovnih lastnih virov sredstev, ki krijejo teoretični zahtevani minimalni kapital ločeno za vsako posamezno zavarovalno skupino, kot je določeno v drugem odstavku 200. člena tega zakona;
- ugotavlja teoretični zahtevani minimalni kapital iz 232. člena tega zakona ločeno za skupini premoženjskih in življenjskih zavarovanj;

- zagotovi primerne osnovne lastne vire sredstev za izpolnitev teoretičnega zahtevanega minimalnega kapitala ločeno za skupini premoženjskih in življenjskih zavarovanj, pri čemer izpolnjevanje teh finančnih obveznosti ne sme temeljiti na virih druge zavarovalne skupine.

(2) Če zavarovalnica pokriva teoretični zahtevani minimalni kapital iz četrte alineje prejšnjega odstavka in o tem obvesti Agencijo za zavarovalni nadzor, lahko za kritje zahtevanega solventnostnega kapitala iz 202. člena tega zakona uporablja postavke primernih lastnih virov sredstev, ki so še na voljo za eno ali drugo zavarovalno skupino.

(3) V primeru neizpolnjevanja minimalnih kapitalskih zahtev v skupini življenjskih ali premoženjskih zavarovanj Agencija za zavarovalni nadzor uporabi ukrepe za odpravo kršitev ne glede na rezultate v drugi dejavnosti. Agencija za zavarovalni nadzor lahko v primeru neizpolnjevanja minimalnih kapitalskih zahtev dovoli tudi prenos prostih postavk primernih osnovnih lastnih virov sredstev iz ene zavarovalne skupine v drugo.

2.3. *Osnovni kapital in delnice*

29. člen
(osnovni kapital)

distribution of revenue and expenditure shall be determined by the insurance undertaking and this needs to be subsequently approved by the Insurance Supervision Agency. Consent from the Insurance Supervision Agency is also required for amendments of the method of distribution;
- prepares a statement in which, on the basis of the balance sheet, for the purpose of determining the capital adequacy, clearly defined items of eligible basic own funds are defined that cover the notional minimum capital requirement separately for each insurance group, as provided in paragraph two of Article 200 of this Act;
- establishes the notional minimum capital requirement referred to in Article 232 of this Act separately for the life insurance and non-life insurance groups;
- provides eligible basic own funds to meet the notional minimum capital requirement separately for the life insurance and non-life insurance groups, where the fulfilment of these financial obligations must not be based on funds from another insurance group.

(2) If an insurance undertaking meets the notional minimum capital requirement referred to in indent four of the preceding paragraph and notifies the Insurance Supervision Agency, it may, for the purpose of meeting the solvency capital requirement referred to in Article 202 of this Act, use items of eligible basic own funds still available for one or the other insurance group.

(3) If the minimum capital requirements in the life insurance or non-life insurance groups are not met, the Insurance Supervision Agency shall apply measures to correct violations, notwithstanding the results in the other activity. The Insurance Supervision Agency may, if the minimum capital requirements are not met, also allow the transfer of free items of eligible basic own funds from one insurance group to the other.

2.3. *Share capital and shares*

Article 29
(Share capital)

Najnižji znesek osnovnega kapitala je enak višini zahtevanega minimalnega kapitala (absolutni prag) iz drugega odstavka 233. člena tega zakona.

30. člen
(delnice)

(1) Delnice zavarovalnice se lahko glasijo le na ime.

(2) Delnice zavarovalnice se lahko vplačajo samo v denarju.

(3) Delnice zavarovalnice so v celoti vplačane pred vpisom ustanovitve oziroma povečanja osnovnega kapitala v sodni register.

(4) Drugi odstavek tega člena ne velja ob:
1. ustanovitvi zavarovalnice ali povečanju osnovnega kapitala zavarovalnice zaradi izvedbe združitve ali delitve;

2. povečanju osnovnega kapitala zavarovalnice s stvarnim vložkom, katerega predmet so delnice druge zavarovalnice, če zavarovalnica za tako povečanje pridobi dovoljenje Agencije za zavarovalni nadzor.

(5) Za dovoljenje iz 2. točke prejšnjega odstavka se smiselno uporabljajo določbe tega zakona o dovoljenju za združitev oziroma delitev.

2.4. *Kvalificirani deleži*

31. člen
(dovoljenje za pridobitev kvalificiranega deleža)

(1) Oseba, ki namerava neposredno ali posredno pridobiti delnice zavarovalnice, na podlagi katerih bi dosegla ali presegla kvalificirani delež pred pridobitvijo takega deleža (v nadaljnjem besedilu:

The minimum amount of share capital shall be equal to the amount of the minimum capital requirement (absolute floor) referred to in paragraph two of Article 233 of this Act.

Article 30
(Shares)

(1) The shares of an insurance undertaking may only be issued as registered shares.

(2) The shares of an insurance undertaking may be paid only in cash.

(3) The shares of an insurance undertaking shall be paid in full before the entry into the court register of either its establishment or an increase in its share capital.

(4) Paragraph two of this Article shall not apply in the case of:
1. the establishment of an insurance undertaking or an increase in the share capital of the insurance undertaking resulting from a merger or a division;
2. an increase in the share capital of an insurance undertaking by an in-kind contribution which consists of shares of another insurance undertaking, provided that such an increase has been authorised by the Insurance Supervision Agency.

(5) For the authorisation referred to in point 2 of the preceding paragraph, the provisions of this Act which regulate merger or division shall apply *mutatis mutandis*.

2.4. *Qualifying holdings*

Article 31
(Authorisation to acquire a qualifying holding)

(1) A person that intends to directly or indirectly acquire shares of an insurance undertaking which would result in meeting or exceeding the qualifying holding (hereinafter: future qualifying holder) shall obtain

bodoči kvalificirani imetnik) pridobi dovoljenje Agencije za zavarovalni nadzor za pridobitev kvalificiranega deleža (v nadaljnjem besedilu: dovoljenje za pridobitev kvalificiranega deleža).

(2) Agencija za zavarovalni nadzor v izreku odločbe, s katero izda dovoljenje za pridobitev kvalificiranega deleža, določi višino deleža glasovalnih pravic ali deleža v kapitalu zavarovalnice, za pridobitev katerega se izdaja dovoljenje, kot enega od teh razponov:

1. delež glasovalnih pravic ali delež v kapitalu zavarovalnice, ki je enak ali večji od kvalificiranega deleža in manjši od 20%;
2. delež glasovalnih pravic ali delež v kapitalu zavarovalnice, ki je enak ali večji od 20% in manjši od ene tretjine;
3. delež glasovalnih pravic ali delež v kapitalu zavarovalnice, ki je enak ali večji od ene tretjine in manjši od 50%;
4. delež glasovalnih pravic ali delež v kapitalu zavarovalnice, ki je enak ali večji od 50%;
5. delež, na podlagi katerega bodoči kvalificirani imetnik postane nadrejena družba zavarovalnice.

(3) Kvalificirani imetnik pred vsako nadaljnjo pridobitvijo delnic, na podlagi katere bi presegel razpon, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, pridobi novo dovoljenje za pridobitev kvalificiranega deleža.

(4) Osebe, ki so se sporazumele, da bodo delovale usklajeno pri pridobivanju delnic zavarovalnice ali uresničevanju upravljavskih upravičenj iz teh delnic (v nadaljnjem besedilu: skupni kvalificirani imetniki) in nameravajo pridobiti delež, na podlagi katerega bi skupno dosegle ali presegle kvalificirani delež, pred pridobitvijo takega deleža pridobijo dovoljenje za pridobitev kvalificiranega deleža.

(5) Šteje se, če se ne dokaže drugače, da so se sporazumeli in da pri pridobitvi delnic zavarovalnice ali uresničevanju upravljavskih upravičenj iz teh delnic usklajeno delujejo:

1. člani organov vodenja ali nadzora s pravnimi osebami, v katerih opravljajo to nalogo;
2. osebe, ki so med seboj povezane kot ožji družinski člani;

authorisation from the Insurance Supervision Agency before acquiring such holding (hereinafter: authorisation to acquire a qualifying holding).

(2) The Insurance Supervision Agency shall in the operative part of the decision on issuing authorisation to acquire a qualifying holding, determine the level of share of the voting rights or the capital of the insurance undertaking for which the authorisation is being issued, as one of the following ranges:

1. the share of the voting rights or capital of the insurance undertaking that is equal to or greater than a qualifying holding and less than 20%;
2. the share of the voting rights or capital of the insurance undertaking that is equal to or greater than 20% and less than one third;
3. the share of the voting rights or capital of the insurance undertaking that is equal to or greater than one third and less than 50%;
4. the share of the voting rights or capital of the insurance undertaking that is equal to or greater than 50%;
5. the share on the basis of which the future qualifying holder becomes the parent company of the insurance undertaking.

(3) Prior to any subsequent acquisition of shares that might enable the qualifying holder to exceed the holding that is subject to the already issued authorisation to acquire a qualifying holding, the qualifying holder shall be required to obtain a new authorisation to acquire a qualifying holding.

(4) Persons that have agreed to act in concert regarding the acquisition of shares of the insurance undertaking or in exercising the management rights arising from such shares (hereinafter: joint qualifying holders) and who intend to acquire the holding on the basis of which they would jointly meet or exceed the qualifying holding shall, before the acquisition of such a share, obtain authorisation for the acquisition of a qualifying holding.

(5) In the absence of proof to the contrary, the following persons shall be deemed to have agreed to act in concert in the acquisition of shares of the insurance undertaking or in exercising the management rights arising from such shares:

1. members of the management board or the supervisory board with the legal persons in which they perform such a task;
2. persons who are linked as immediate family members;

3. družba za upravljanje in investicijski skladi, ki jih upravlja ta družba za upravljanje ali
4. osebe, ki so:
   - skupščini zavarovalnice predlagale sprejetje sklepa o imenovanju ali odpoklicu članov organa vodenja ali nadzora ali drugega sklepa, ki se v skladu z zakonom, ki ureja gospodarske družbe, sprejema z večino najmanj treh četrtin pri sklepanju zastopanega osnovnega kapitala, in

   - z uresničevanjem glasovalnih pravic ali na drug način dosegle sprejetje tega sklepa.

(6) Skupni kvalificirani imetniki, ki imajo dovoljenje za pridobitev kvalificiranega deleža, pred vsako nadaljnjo pridobitvijo delnic zavarovalnice, na podlagi katere njihov skupni delež preseže razpon, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, pridobijo novo dovoljenje za pridobitev kvalificiranega deleža.

(7) Prvi in drugi odstavek tega člena, 34. do 42. člen ter 45. in 47. člen tega zakona o dovoljenju za pridobitev kvalificiranega deleža ter o pravicah in obveznostih posameznega kvalificiranega imetnika se smiselno uporabljajo tudi za skupne kvalificirane imetnike.

32. člen
(ugotavljanje kvalificiranega deleža)

(1) Kot osnova za ugotavljanje kvalificiranega deleža na podlagi glasovalnih pravic se upoštevajo vse delnice zavarovalnice z glasovalno pravico, vključno z lastnimi delnicami in delnicami, pri katerih je uresničevanje glasovalne pravice omejeno po zakonu ali statutu zavarovalnice v skladu z zakonom.

(2) Pri ugotavljanju kvalificiranega deleža posamezne osebe (v nadaljnjem besedilu: morebitni kvalificirani imetnik) na podlagi glasovalnih pravic se upoštevajo glasovalne pravice, vsebovane v delnicah:
1. katerih imetnik je morebitni kvalificirani imetnik za svoj račun;

2. katerih imetnik je tretja oseba, s katero je morebitni kvalificirani imetnik sklenil pogodbo, ki pogodbeni stranki zavezuje, da z

3. the asset management company and the investment funds managed by this asset management company or
4. the following persons:
   - at the general meeting of the insurance undertaking proposed to adopt a resolution on the appointment or recall of members of the management board or the supervisory board, or another resolution which, according to Act governing companies, is to be adopted by the affirmative vote of at least a three quarters majority of the share capital represented at the meeting, and
   - persons who by exercising their voting rights, or in some other manner, have achieved the adoption of such decision.

(6) Joint qualifying holders having authorisation to acquire a qualifying holding are required to obtain a new authorisation to acquire a qualifying holding prior to any subsequent acquisition of shares of the insurance undertaking based on which their joint holding meets or exceeds the range subject to the already issued authorisation to acquire a qualifying holding.

(7) Paragraphs one and two of this Article, Articles 34 to 42 and 45 and 47 of this Act governing the authorisation to acquire a qualifying holding and the rights and duties of an individual qualifying holder shall apply, *mutatis mutandis*, to joint qualifying holders.

Article 32
(Establishing a qualifying holding)

(1) All shares of the insurance undertaking with voting rights shall be taken into account as the basis for determining a qualifying holding based on voting rights, including own shares and shares for which the exercising of voting rights is limited by an Act or the insurance undertaking’s articles of association in accordance with the Act.

(2) In determining a qualifying holding of an individual person (hereinafter: potential qualifying holder) based on voting rights, the voting rights attached to the following shares shall be considered:
1. those whose holder is a potential qualifying holder for its own account;
2. those whose holder is a third party with whom the potential qualifying holder concluded a contract that binds the contracting parties to

usklajenim uresničevanjem glasovalnih pravic, katerih imetnici sta, izvajata trajno skupno politiko upravljanja zavarovalnice;
3. katerih imetnik je tretja oseba, s katero je morebitni kvalificirani imetnik sklenil pogodbo, na podlagi katere je na to osebo začasno prenesel uresničevanje glasovalnih pravic;
4. ki so začasno prenesene na morebitnega kvalificiranega imetnika kot zavarovanje, če nadzoruje glasovalne pravice, vsebovane v teh delnicah, in izrazi namero, da jih bo uresničeval;
5. glede katerih ima morebitni kvalificirani imetnik pravico užitka;

6. katerih imetnik je podrejena družba morebitnega kvalificiranega imetnika ali iz katerih lahko podrejena družba morebitnega kvalificiranega imetnika uresničuje glasovalne pravice v pomenu iz 2. do 5. točke tega odstavka;
7. katerih imetnik je morebitni kvalificirani imetnik za račun tretje osebe in iz katerih lahko uresničuje glasovalno pravico po lastni presoji, če ne prejme ustreznih navodil te tretje osebe;

8. katerih imetnik je tretja oseba v svojem imenu in za račun morebitnega kvalificiranega imetnika;
9. iz katerih lahko morebitni kvalificirani imetnik uresničuje glasovalne pravice kot pooblaščenec in jih lahko uresničuje po lastni presoji, če ne prejme ustreznih navodil od njihovega imetnika.

(3) Kot osnova za ugotavljanje kvalificiranega deleža na podlagi udeležbe v kapitalu se upoštevajo vse delnice, na katere je razdeljen osnovni kapital zavarovalnice, vključno z lastnimi delnicami.

(4) Pri ugotavljanju kvalificiranega deleža posameznega kvalificiranega imetnika na podlagi udeležbe v kapitalu se smiselno uporabljajo 1., 2., 3., 5., 6. in 8. točka drugega odstavka tega člena.

33. člen
(izjeme pri ugotavljanju kvalificiranega deleža)

(1) Pri ugotavljanju kvalificiranega deleža se ne upoštevajo:

1. delnice, ki jih je morebitni kvalificirani imetnik pridobil izključno za poravnavo v običajno kratkem poravnalnem obdobju in

implement the insurance undertaking's permanent common governance policy through the coordinated exercising of voting rights;
3. those whose holder is a third party with whom the potential qualifying holder concluded a contract based on which the exercising of voting rights was temporarily transferred to that person;
4. those which were temporarily transferred to a potential qualifying holder as collateral if it controls the voting rights attached to these shares, and expresses the intention to exercise such rights;
5. those with regard to which a potential qualifying holder has the right to usufruct;
6. those whose holder is a subsidiary of a potential qualifying holder, or based on which a subsidiary of a potential qualifying holder might exercise voting rights within the meaning referred to in points 2 to 5 of this paragraph;
7. those whose holder is a potential qualifying holder for the account of a third party, and based on which it may exercise voting rights at its discretion if it does not receive appropriate instructions from such third party;
8. those whose holder is a third party in its own name and for the account of a potential qualifying holder;
9. those based on which a potential qualifying holder may exercise voting rights as a proxy, and which they may exercise at their own discretion if they do not receive appropriate instructions from their holder.

(3) All shares into which an insurance undertaking's share capital is divided, including own shares, shall be taken into account as the basis for determining a qualifying holding based on participation in capital.

(4) Points 1, 2, 3, 5, 6 and 8 of paragraph two of this Article shall apply, *mutatis mutandis*, in determining the qualifying holding of a particular qualifying holder on the basis of participation in the capital.

Article 33
(Exceptions in the establishing of a qualifying holding)

(1) In determining a qualifying holding, the following shares shall not be considered:
1. shares that a potential qualifying holder has acquired exclusively for settlement in a typically short settlement period and

2. delnice, ki jih je morebitni kvalificirani imetnik pridobil za račun tretje osebe v zvezi z opravljanjem skrbniških storitev, če lahko iz teh delnic uresničuje glasovalne pravice samo na podlagi navodil, ki mu jih da oseba, za račun katere jih ima, v pisni obliki ali z uporabo elektronskega načina.

(2) Pri ugotavljanju kvalificiranega deleža družbe, ki je nadrejena družbi za upravljanje, se ne upoštevajo deleži iz naložb kolektivnih naložbenih podjemov, ki jih pod pogoji, določenimi v zakonu, ki ureja upravljanje investicijskih skladov, oziroma v aktu države članice družbe za upravljanje, s katerim se v pravni red te države prenaša Direktiva 2009/65/ES, upravlja družba za upravljanje, v delnice zavarovalnice, če družba za upravljanje uresničuje glasovalne pravice iz teh deležev neodvisno od nadrejene družbe.

(3) Prejšnji odstavek se ne uporablja, če:

1. je nadrejena družba ali tej podrejena družba imetnik delnic zavarovalnice z glasovalno pravico, ki jih upravlja družba za upravljanje in
2. družba za upravljanje ne more uresničevati glasovalnih pravic iz teh delnic po lastni presoji, temveč samo po neposrednih ali posrednih navodilih nadrejene družbe ali tej podrejene družbe.

(4) Pri ugotavljanju kvalificiranega deleža družbe, ki je nadrejena investicijskemu podjetju, ki je v skladu z zakonom, ki ureja trg finančnih instrumentov oziroma aktom države članice investicijskega podjetja, s katerim se v pravni red te države prenaša Direktiva 2004/39/ES upravičeno opravljati investicijske storitve in posle, se ne upoštevajo deleži iz naložb v delnice zavarovalnice, ki jih upravlja to investicijsko podjetje pri opravljanju storitev gospodarjenja s finančnimi instrumenti, če so izpolnjeni pogoji:

1. investicijsko podjetje ima ustrezno dovoljenje nadzornega organa za opravljanje investicijske storitve gospodarjenja s finančnim instrumenti;
2. investicijsko podjetje:
   - uresničuje glasovalne pravice iz naložb v delnice zavarovalnice z glasovalno pravico samo na podlagi navodil, ki mu jih da stranka, za

2. shares that a potential qualifying holder has acquired for the account of a third party in connection with the provision of custody services, if they may exercise the voting rights attached to these shares based solely on instructions in writing or electronic form provided by the person for whose account they hold them.

(2) In determining the qualifying holding of a company that is the parent of a management company, holdings from the investments of collective investment undertakings managed by the management company under the conditions laid down in the Act governing investment funds management or in an act of a Member State of the management company which transposes Directive 2009/65/EC into the legislation of that Member State, in shares of the insurance undertaking, shall not be taken into account, if the management company exercises the voting rights attached to these shares independently of the parent company.

(3) The preceding paragraph shall not apply in the following cases:

1. the parent company or its subsidiary is a holder of shares of the insurance undertaking with voting rights managed by a management company and
2. a management company is unable to exercise the voting rights arising from such shares at its own discretion but merely through direct or indirect instructions of the parent undertaking or its controlled undertaking.

(4) In determining the qualifying holding of a company that is the parent of an investment firm which, in accordance with the Act governing the financial instruments market or an act of a Member State of the investment firm which transposes Directive 2004/39/EC into the legislation of that Member State, is entitled to provide investment services and activities, the holdings from investments in shares of the insurance undertaking managed by this investment firm in the scope of portfolio management services shall not be taken into account when the following conditions are met:

1. the investment firm has the requisite authorisation from the supervisory authority to provide the investment service of portfolio management;
2. the investment firm:
   - exercises the voting rights arising from investments in shares of the insurance undertaking with a voting right based solely on

račun katere gospodari z njimi, v pisni obliki ali z uporabo elektronskega načina,
- je z uporabo ustreznih ukrepov zagotovilo ustrezne pogoje, enakovredne pogojem, določenim v zakonu, ki ureja upravljanje investicijskih skladov, oziroma v aktu države članice družbe za upravljanje, s katerim se v pravni red te države prenaša Direktiva 2009/65/ES, da se storitve gospodarjenja s finančnimi instrumenti opravljajo neodvisno od drugih storitev in poslov, ki jih opravlja investicijsko podjetje;

3. investicijsko podjetje uresničuje glasovalne pravice neodvisno od nadrejene družbe.

(5) Prejšnji odstavek se ne uporablja, če:

1. je nadrejena družba ali tej podrejena družba imetnik delnic zavarovalnice z glasovalno pravico, ki jih upravlja investicijsko podjetje in
2. investicijsko podjetje ne more uresničevati glasovalnih pravic iz teh delnic po lastni presoji, temveč samo po neposrednih ali posrednih navodilih nadrejene družbe ali tej podrejene družbe.

(6) Pri ugotavljanju kvalificiranega deleža banke ali investicijskega podjetja se ne upoštevajo delnice, ki jih je ta banka ali investicijsko podjetje pridobilo pri opravljanju storitve izvedbe prve ali nadaljnje prodaje finančnih instrumentov z obveznostjo odkupa, če so izpolnjeni ti pogoji:

1. banka ali investicijsko podjetje je v skladu z zakonom, ki ureja trg finančnih instrumentov oziroma aktom države članice, s katerim se v pravni red te države prenaša Direktiva 2004/39/ES upravičeno opravljati storitev izvedbe prve ali nadaljnje prodaje finančnih instrumentov z obveznostjo odkupa;
2. banka ali investicijsko podjetje ne uresničuje glasovalnih pravic, vsebovanih v delnicah, in ne uresničuje drugih upravljavskih upravičenj iz delnic tako, da bi s tem vplivalo na vodenje poslov zavarovalnice;
3. banka ali investicijsko podjetje delnice odsvoji v enem letu po pridobitvi.

34. člen
(zahteva za izdajo dovoljenja za pridobitev kvalificiranega deleža)

instructions in writing or electronic form provided by the client for whose account it manages them,
- through the application of appropriate measures, it has ensured conditions that are equal to the conditions laid down in the Act governing investment funds management or in an act of a Member State of the management company which transposes Directive 2009/65/EC into the legislation of that Member State in order to provide portfolio management services independently from other services and activities conducted by the investment firm;

3. the investment firm exercises its voting rights independently of the parent undertaking.

(5) The preceding paragraph shall not apply in the following cases:

1. a parent company or its subsidiary is a holder of shares of the insurance undertaking with voting rights managed by an investment firm, and
2. an investment firm is unable to exercise the voting rights arising from such shares at its own discretion but merely through direct or indirect instructions of the parent undertaking or its controlled undertaking.

(6) In determining the qualifying holding of a bank or an investment firm, the shares that this bank or investment firm has acquired from the execution of initial or subsequent offerings of financial instruments on a firm commitment basis, shall not be taken into account when the following conditions are met:

1. a bank or an investment firm is entitled to provide services of initial or subsequent offerings of financial instruments on a firm commitment basis in accordance with the Act governing the financial instruments market or an act of a Member State which transposes Directive 2004/39/EC into the legislation of that Member State;
2. a bank or an investment firm does not exercise the voting rights attached to the shares and does not exercise other management entitlements arising from the shares in a manner that would affect the management of the insurance undertaking’s business;
3. a bank or an investment firm disposes of the shares within one year of acquisition.

Article 34
(Application for authorisation to acquire a qualifying holding)

(1) Zahteva za izdajo dovoljenja za pridobitev kvalificiranega deleža vključuje:
1. višino deleža glasovalnih pravic ali deleža v kapitalu zavarovalnice, ki ga namerava pridobiti bodoči kvalificirani imetnik;
2. druge podatke iz 478. člena tega zakona, ki jih vključuje vsaka zahteva.

(2) Zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža je treba priložiti dokaze in informacije o tem, da bodoči kvalificirani imetnik ustreza merilom iz 36. člena tega zakona.

35. člen
(posvetovanje z nadzornimi organi)

(1) Agencija za zavarovalni nadzor se pred odločitvijo o izdaji dovoljenja za pridobitev kvalificiranega deleža posvetuje z nadzornim organom posamezne države članice, če je bodoči kvalificirani imetnik:
1. zavarovalnica te države članice,
2. kreditna institucija, investicijsko podjetje ali družba za upravljanje te države članice ali
3. oseba, ki je nadrejena osebam iz 1. ali 2. točke tega odstavka.

(2) Agencija za zavarovalni nadzor se pred odločitvijo o izdaji dovoljenja za pridobitev kvalificiranega deleža posvetuje z nadzornim organom Republike Slovenije, če je bodoči kvalificirani imetnik:

1. kreditna institucija, borznoposredniška družba ali družba za upravljanje Republike Slovenije ali
2. oseba, ki je nadrejena osebam iz prejšnje točke.

(3) Agencija za zavarovalni nadzor se z nadzornimi organi držav članic in Republike Slovenije posvetuje in izmenjuje informacije o primernosti bodočih kvalificiranih imetnikov, dobrem imenu in izkušnjah članov uprav družb v isti skupini in druge informacije, ki so nujne ali pomembne za presojo, ali bodoči kvalificirani imetnik ustreza merilom iz 36. člena tega zakona.

(1) An application for authorisation for the acquisition of a qualifying holding shall include:
1. the share of the voting rights or the capital of the insurance undertaking which the future qualifying holder intends to acquire;
2. other information referred to in Article 478 of this Act included in each application.

(2) An application for authorisation for the acquisition of a qualifying holding shall be accompanied by evidence and information confirming that the future qualifying holder satisfies the criteria referred to in Article 36 of this Act.

Article 35
(Consultation with supervisory authorities)

(1) Before making a decision to issue authorisation to acquire a qualifying holding, the Insurance Supervision Agency shall consult the supervisory authority of a Member State if the future qualifying holder is:
1. an insurance undertaking from that Member State,
2. a credit institution, investment firm or management company from that Member State or
3. an entity that is the parent entity of the entities referred to in points 1 or 2 of this paragraph.

(2) Before making a decision to issue authorisation to acquire a qualifying holding, the Insurance Supervision Agency shall consult the supervisory authority of the Republic of Slovenia if the future qualifying holder is:
1. a credit institution, brokerage company or management company of the Republic of Slovenia or
2. an entity that is the parent entity of the entities referred to in the preceding point.

(3) The Insurance Supervision Agency shall consult and exchange information with the supervisory authorities of Member States and the Republic of Slovenia regarding the suitability of future qualifying holders, the reputation and experience of members of the management boards of companies within the same group, and other information necessary or important for an assessment of whether a future qualifying

(4) Če se Agencija za zavarovalni nadzor po prvem ali drugem odstavku tega člena pred odločitvijo o izdaji dovoljenja za pridobitev kvalificiranega deleža posvetuje z nadzornimi organi, obrazložitev odločbe, s katero izda dovoljenje za pridobitev kvalificiranega deleža ali zavrne zahtevo za izdajo tega dovoljenja, poleg vsebin, ki jih vključuje vsaka obrazložitev odločbe, vključuje tudi stališča Agencije za zavarovalni nadzor o stališčih in pomislekih drugih nadzornih organov.

(5) Če je bodoči kvalificirani imetnik nadzorovana finančna družba tretje države, se zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža priloži tudi soglasje oziroma mnenje nadzornega organa ali obvestilo, da v skladu s predpisi, ki veljajo za bodočega kvalificiranega imetnika v državi njegovega sedeža, tako soglasje oziroma mnenje ni potrebno.

36. člen
(presoja primernosti bodočega kvalificiranega imetnika)

(1) Za zagotovitev varnega in skrbnega upravljanja zavarovalnice, v kateri namerava bodoči kvalificirani imetnik pridobiti kvalificirani delež, Agencija za zavarovalni nadzor pri odločanju o izdaji dovoljenja za pridobitev kvalificiranega deleža, ob upoštevanju vpliva, ki ga bo verjetno imel bodoči kvalificirani imetnik na upravljanje zavarovalnice, če bo pridobil kvalificirani delež, ki se zahteva, presoja primernost bodočega kvalificiranega imetnika na podlagi naslednjih meril:

1. ugleda bodočega kvalificiranega imetnika;
2. ugleda in izkušenj oseb, ki bodo imele možnost upravljati zavarovalnico ali drugače vplivati na poslovanje zavarovalnice, če bodoči kvalificirani imetnik pridobi kvalificirani delež, ki se zahteva;
3. finančne trdnosti bodočega kvalificiranega imetnika, zlasti v zvezi z vrstami poslov, ki jih opravlja ali načrtuje zavarovalnica;
4. verjetnih posledic, če bo bodoči kvalificirani imetnik pridobil kvalificirani delež, ki se zahteva, za sposobnost zavarovalnice ravnati

holder meets the criteria referred to in Article 36 of this Act.

(4) If the Insurance Supervision Agency, pursuant to paragraph one or two of this Article prior to making a decision to issue an authorisation to acquire a qualifying holding, consults the supervisory authorities, the substantiation of the grounds for such a decision on issuing authorisation to acquire a qualifying holding or rejecting the application to issue such authorisation shall take into account, in addition to the contents included in each substantiation of the grounds for a decision, the position of the Insurance Supervision Agency on the views and reservations of other supervisory authorities.

(5) If the future qualifying holder is a supervised financial undertaking from a third country, an application for authorisation to acquire a qualifying holding shall also be accompanied by the consent or opinion of the supervisory authority, or notification that no such consent or opinion is required in accordance with the regulations applicable for the future qualifying holder in the country of its head office.

Article 36
(Assessment of the suitability of the future qualifying holder)

(1) To ensure the secure and prudent management of the insurance undertaking in which a future qualifying holder intends to acquire a qualifying holding, the Insurance Supervision Agency shall assess the suitability of the future qualifying holder on the basis of the following criteria, taking into account the influence that the future qualifying holder would likely have on the insurance undertaking's management if the qualifying holding that is the subject of the application is acquired:

1. the reputation of the future qualifying holder;
2. the reputation and experience of persons who will be afforded the opportunity to manage the insurance undertaking or otherwise influence its operations if the future qualifying holder acquires the requested qualifying holding;
3. the financial soundness of the future qualifying holder, particularly in connection with the types of transactions that an insurance undertaking executes or is planning;
4. the likely consequences, should the future qualifying holder acquire the qualifying holding that is the subject of the application, for the

v skladu s pravili o upravljanju tveganj ter izpolnjevati zahteve in omejitve, določene v tem zakonu.

(2) Pri presoji primernosti bodočega kvalificiranega imetnika Agencija za zavarovalni nadzor presoja tudi, ali bo zavarovalnica sposobna ravnati v skladu s pravili o obvladovanju tveganj ter izpolnjevati zahteve in omejitve, določene s tem zakonom, pri čemer je še posebno pomembno, ali ima skupina, katere del bo postala, strukture, ki zagotavljajo izvajanje učinkovitega nadzora, učinkovito izmenjavo informacij med nadzornimi organi in razmejitev pristojnosti ter odgovornosti za nadzor med nadzornimi organi.

(3) Pri presoji primernosti bodočega kvalificiranega imetnika Agencija za zavarovalni nadzor presoja tudi, ali obstajajo razlogi za sum, da:

1. je bilo ali bo v zvezi s pridobitvijo kvalificiranega deleža, ki se zahteva, storjeno dejanje pranja denarja ali financiranja terorizma kot ju opredeljuje zakon, ki ureja preprečevanje pranja denarja in financiranje terorizma ali izveden poskus tega dejanja ali

2. bo ta pridobitev povečala tveganje pranja denarja ali financiranja terorizma kot ga opredeljuje zakon, ki ureja preprečevanje pranja denarja in financiranje terorizma.

(4) Primernosti bodočega kvalificiranega imetnika Agencija za zavarovalni nadzor ne sme presojati z vidika gospodarskih potreb trga.

(5) Če Agencija za zavarovalni nadzor hkrati obravnava dve ali več zahtev za pridobitev kvalificiranega deleža v isti zavarovalnici, vse bodoče kvalificirane imetnike obravnava nediskriminatorno.

37. člen
(zavrnitev zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža)

(1) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo

insurance undertaking's ability to act in accordance with risk management rules and to meet the requirements and restrictions laid down in this Act.

(2) In assessing the suitability of a future qualifying holder the Insurance Supervision Agency shall also assess whether the insurance undertaking will be able to act in accordance with the risk management rules and to meet the requirements and restrictions laid down by this Act, where it is particularly important whether the group of which the insurance undertaking will become part has the structures to facilitate effective supervision, effective information exchange between supervisory authorities, and the segregation of supervisory powers and responsibilities between the supervisory authorities.

(3) In assessing the suitability of a future qualifying holder, the Insurance Supervision Agency shall also assess whether there are any reasons to suspect:

1. that an act of money laundering or terrorist financing, as defined by the Act governing the prevention of money laundering and terrorist financing, will be committed or an attempt to commit such an act will be carried out in connection with the required acquisition of a qualifying holding or
2. that such an acquisition will increase the risk of money laundering or terrorist financing as defined by the Act governing the prevention of money laundering and terrorist financing.

(4) The Insurance Supervision Agency shall not assess the suitability of the future qualifying holder in terms of the economic needs of the market.

(5) If the Insurance Supervision Agency processes two or more applications for authorisation to acquire a qualifying holding in the same insurance undertaking at the same time, it shall treat all future qualifying holders in a non-discriminatory manner.

Article 37
(Dismissal of an application for authorisation to acquire a qualifying holding)

(1) The Insurance Supervision Agency shall reject an

dovoljenja za pridobitev kvalificiranega deleža, če:

1. bodoči kvalificirani imetnik ne ustreza merilom iz 1. do 3. točke prvega odstavka prejšnjega člena;
2. na podlagi meril iz prejšnjega člena presodi, da je verjetno, če bodoči kvalificirani imetnik pridobi kvalificirani delež, ki se zahteva, da bo:

   - ogrožena sposobnost zavarovalnice ravnati v skladu s pravili o upravljanju tveganj ter izpolnjevati zahteve in omejitve, določene v tem zakonu,
   - ovirano ali oteženo izvajanje učinkovitega nadzora, učinkovite izmenjave informacij med nadzornimi organi oziroma razmejitve pristojnosti in odgovornosti za nadzor med nadzornimi organi;

3. obstajajo razlogi za sum, da:
   - je bilo ali bo v zvezi s pridobitvijo kvalificiranega deleža, ki se zahteva, storjeno dejanje pranja denarja ali financiranja terorizma kot ju opredeljuje zakon, ki ureja preprečevanje pranja denarja in financiranje terorizma ali izveden poskus tega dejanja ali

   - bo ta pridobitev povečala tveganje pranja denarja ali financiranja terorizma kot ga opredeljuje zakon, ki ureja preprečevanje pranja denarja in financiranje terorizma.
4. bodoči kvalificirani imetnik v roku, določenem z zahtevo iz šestega in sedmega odstavka 483. člena tega zakona, ne predloži vse dokumentacije in informacij, potrebnih za presojo primernosti po merilih iz prejšnjega člena.

(2) Agencija za zavarovalni nadzor zavrne zahtevo za pridobitev kvalificiranega deleža bodočemu kvalificiranemu imetniku tretje države, če je ob upoštevanju predpisov države te osebe oziroma ob upoštevanju prakse države te osebe pri uporabi in uresničevanju teh predpisov verjetno, da bo ovirano oziroma oteženo izvajanje učinkovitega nadzora, učinkovite izmenjave informacij med nadzornimi organi oziroma razmejitve pristojnosti in odgovornosti za nadzor med nadzornimi organi.

38. člen
(rok za pridobitev deleža na katerega se nanaša dovoljenje)

application for authorisation to acquire a qualifying holding, if:

1. the future qualifying holder does not satisfy the criteria referred to in points 1 to 3 of paragraph one of the preceding article;
2. it assesses on the basis of the criteria referred to in the preceding Article that it is likely, if the future qualifying holder acquires the required qualifying holding:
   - that the insurance undertaking's ability to act in accordance with risk management rules, and to meet requirements and restrictions provided by this Act, will be compromised,
   - that effective supervision, effective information exchange between supervisory authorities or the segregation of supervisory powers and responsibilities between the supervisory authorities will be hindered or made difficult;
3. it is suspected:
   - that an act of money laundering or terrorist financing, as defined by the Act governing the prevention of money laundering and terrorist financing, will be committed or an attempt to commit such an act will be carried out in connection with the required acquisition of a qualifying holding or
   - that such an acquisition will increase the risk of money laundering or terrorist financing as defined by the Act governing the prevention of money laundering and terrorist financing.
4. the future qualifying holder does not submit all documentation and information, within the deadline specified by the requirement referred to in paragraphs six and seven of Article 483 of this Act, required for the assessment of its suitability under the criteria provided by the preceding Article.

(2) The Insurance Supervision Agency shall reject an application for authorisation to acquire a qualifying holding to a future qualifying holder from a third country if, with regard to the regulations applicable in the country of this person or with regard to the practice of the application and implementation of such regulations, it is likely that the implementation of effective supervision, effective information exchange between supervisory authorities or the segregation of supervisory powers and responsibilities between the supervisory authorities will be hindered or made difficult.

Article 38
(Deadline for the acquisition of a holding to which an authorisation

(1) Agencija za zavarovalni nadzor naloži bodočemu kvalificiranemu imetniku z odločbo o dovoljenju za pridobitev kvalificiranega deleža, da v roku, ki ga določi, pridobi delnice zavarovalnice, na podlagi katerih doseže razpon, za katerega je izdano dovoljenje za pridobitev kvalificiranega deleža. Rok ne sme biti krajši od šestih mesecev od vročitve odločbe, s katero je Agencija za zavarovalni nadzor določila ta rok.

(2) Agencija za zavarovalni nadzor lahko na zahtevo bodočega kvalificiranega imetnika podaljša rok iz prejšnjega odstavka.

(3) Bodoči kvalificirani imetnik zahtevo za podaljšanje roka za pridobitev deleža vloži pred potekom roka iz prvega odstavka tega člena.

39. člen
(prenehanje veljavnosti dovoljenja za pridobitev kvalificiranega deleža)

(1) Če je Agencija za zavarovalni nadzor po prejšnjem členu določila rok za pridobitev delnic zavarovalnice in bodoči kvalificirani imetnik v tem roku ne pridobi delnic zavarovalnice, na podlagi katerih bi dosegel kvalificirani delež, dovoljenje preneha veljati v celoti.

(2) Če je Agencija za zavarovalni nadzor po prejšnjem členu določila rok za pridobitev delnic zavarovalnice in kvalificirani imetnik v tem roku doseže kvalificirani delež, ne doseže pa razpona, za katerega je izdano dovoljenje, dovoljenje preneha veljati v delu, ki presega razpon, ki ga je imetnik dosegel.

(3) Če kvalificirani imetnik po pridobitvi deleža v razponu, za katerega je bilo izdano dovoljenje, odsvoji delnice zavarovalnice tako, da njegov delež glasovalnih pravic ali delež v kapitalu zavarovalnice ne dosega več razpona, za katerega je bilo izdano dovoljenje, dovoljenje

relates)

(1) A decision by the Insurance Supervision Agency to issue authorisation for the acquisition of a qualifying holding shall impose a deadline on a qualifying holder to acquire the shares of the insurance undertaking based on which it acquires the range for which authorisation to acquire the qualifying holding is issued. The deadline shall not be less than six months after the service of the Insurance Supervision Agency's decision laying down such deadline.

(2) The deadline referred to in the preceding paragraph may be extended by the Insurance Supervision Agency at the request of the future qualifying holder.

(3) The future qualifying holder must file the application to extend the deadline for the acquisition of a qualifying holding before the expiry of the deadline referred to in paragraph one of this Article.

Article 39
(Termination of validity of authorisation to acquire a qualifying holding)

(1) If a deadline has been set by the Insurance Supervision Agency for the acquisition of shares of an insurance undertaking in accordance with the preceding Article, and the future qualifying holder fails to acquire the shares of the insurance undertaking based on which it would gain a qualifying holding within the deadline, authorisation shall terminate in its entirety.

(2) If a deadline has been set by the Insurance Supervision Agency for the acquisition of shares of an insurance undertaking in accordance with the preceding Article, and the qualifying holder secures a qualifying holding by that deadline but fails to achieve the range for which authorisation is issued, that authorisation shall terminate in the part that exceeds the range achieved by the holder.

(3) If the qualifying holder, after having acquired a holding in the range for which authorisation was issued, disposes of shares of the insurance undertaking so that their share of the voting rights or capital of the insurance undertaking no longer achieves the range for which

preneha veljati v delu, ki presega razpon, ki ga imetnik dosega po odsvojitvi.

(4) Prejšnji odstavek se smiselno uporablja tudi, če se delež kvalificiranega imetnika zmanjša zaradi povečanja osnovnega kapitala ali drugih korporacijskih dejanj zavarovalnice.

(5) O prenehanju ali delnem prenehanju veljavnosti dovoljenja za pridobitev kvalificiranega deleža Agencija za zavarovalni nadzor izda ugotovitveno odločbo.

40. člen
(glasovalne pravice iz delnic zavarovalnice, pridobljenih v nasprotju z zakonom)

(1) Imetnik iz delnic zavarovalnice, ki jih je pridobil ali jih ima v nasprotju s tem zakonom (v nadaljnjem besedilu: neupravičeni imetnik), nima glasovalnih pravic.

(2) Število delnic, iz katerih neupravičeni imetnik lahko uresničuje glasovalne pravice, se izračuna:
1. če imetnik na podlagi delnic dosega ali presega 10% delež glasovalnih pravic ali delež v kapitalu zavarovalnice, ne da bi imel dovoljenje za pridobitev kvalificiranega deleža, ali če je bilo imetniku dovoljenje za pridobitev kvalificiranega deleža odvzeto tako, da se od števila delnic, ki je 10% delež glasovalnih pravic ali delež v kapitalu zavarovalnice, odšteje ena delnica;
2. če imetnik na podlagi delnic presega razpon, za katerega velja dovoljenje za pridobitev kvalificiranega deleža tako, da je število enako številu delnic, ki je zgornja meja razpona, za katerega ima imetnik veljavno dovoljenje.

(3) Glasovalne pravice, ki jih neupravičeni imetnik ni upravičen uresničevati, se prištejejo glasovalnim pravicam drugih delničarjev v sorazmerju z njihovo udeležbo v vseh glasovalnih pravicah iz delnic zavarovalnice.

(4) Če neupravičeni imetnik v enem mesecu od pridobitve delnic vloži zahtevo za izdajo dovoljenja za pridobitev kvalificiranega

authorisation was issued, that authorisation shall terminate in the part that exceeds the range that is achieved by the holder after such disposal of shares.

(4) The preceding paragraph shall also apply *mutatis mutandis* if the qualifying holder's share is reduced due to an increase in share capital or other corporate actions of the insurance undertaking.

(5) The Insurance Supervision Agency shall issue a declaratory decision on the total or partial termination of the validity of an authorisation to acquire a qualifying holding.

Article 40
(Voting rights attached to the shares of an insurance undertaking acquired in contravention of an Act)

(1) The holder of shares of an insurance undertaking that were acquired or are being held in contravention of this Act (hereinafter: ineligible holder), shall have no voting rights with respect to those shares.

(2) The number of shares for which an ineligible holder may exercise their voting rights shall be calculated as follows:
1. if the share of a holder achieves or exceeds 10% of the voting rights or the capital of the insurance undertaking, without holding an authorisation to acquire a qualifying holding, or if the holder's authorisation to acquire a qualifying holding has been withdrawn by subtracting one share from the number of shares that represents 10% of the voting rights or the capital of the insurance undertaking;
2. if the share of a holder exceeds the range subject to authorisation for the acquisition of a qualifying holding so that their number equals the number of shares which is the upper limit of the range for which the holder is granted a valid authorisation.

(3) The voting rights that an ineligible holder is not entitled to exercise shall be added to the voting rights of other shareholders in proportion to their participation in all voting rights attached to the shares of the insurance undertaking.

(4) If an ineligible holder submits an application for authorisation to acquire a qualifying holding within one month of acquisition, and if such

deleža in če Agencija za zavarovalni nadzor to dovoljenje izda, z dnem dokončnosti odločbe o dovoljenju za pridobitev kvalificiranega deleža imetnik pridobi glasovalne pravice iz delnic do števila delnic, ki pomenijo delež, za katerega je izdano to dovoljenje.

(5) Zavarovalnica pred zasedanjem skupščine preveri, ali je imetnik pridobil dovoljenje za kvalificirani delež, in o tem obvesti predsednika skupščine.

(6) V primeru iz prvega odstavka tega člena se uporabljajo ta člen ter 41. in 42. člen tega zakona. Prvi do peti odstavek tega člena ter 41. in 42. člen tega zakona se smiselno uporabljajo tudi, če se delež kvalificiranega imetnika poveča zaradi zmanjšanja osnovnega kapitala ali drugih korporacijskih dejanj zavarovalnice. Pri smiselni uporabi določb iz prejšnjega stavka enomesečni rok za vložitev zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža teče od dneva, ko kvalificirani imetnik izve ali bi lahko izvedel, da se je njegov delež povečal zaradi korporacijskega dejanja zavarovalnice.

41. člen
(odredba o odsvojitvi delnic)

(1) Če neupravičeni imetnik v enem mesecu od pridobitve delnic zavarovalnice ne vloži zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža, mu Agencija za zavarovalni nadzor z odredbo naloži, da delnice, ki jih ima v nasprotju s tem zakonom, odsvoji (v nadaljnjem besedilu: odredba o odsvojitvi delnic). V odredbi o odsvojitvi delnic Agencija za zavarovalni nadzor določi rok za odsvojitev delnic, ki ne sme biti krajši od treh in ne daljši od šestih mesecev. Ne glede na tretji odstavek prejšnjega člena Agencija za zavarovalni nadzor, kadar neupravičeni imetnik dosega ali presega 90% delež glasovalnih pravic ali delež v kapitalu zavarovalnice, v odredbi o odsvojitvi delnic določi, da do odsvojitve delnic glasovalne pravice iz delnic, ki jih ima neupravičeni imetnik v nasprotju s tem zakonom, izvršuje Agencija za zavarovalni nadzor.

authorisation is issued by the Insurance Supervision Agency, the holder, as of the date of finality of the decision regarding authorisation to acquire a qualifying holding, shall acquire the voting rights attached to shares up to the number of shares which represent the share for which authorisation is issued.

(5) Prior to the session of the general meeting, the insurance undertaking shall verify if the holder has obtained authorisation to acquire a qualifying holding and shall notify the chairman of the general meeting accordingly.

(6) This Article, and Articles 41 and 42 of this Act shall apply in the case referred to in paragraph one of this Article. Paragraphs one to five of this Article and Articles 41 and 42 of this Act shall also apply, *mutatis mutandis*, if the qualifying holder's share is increased due to a reduction in share capital or other corporate actions of the insurance undertaking. In applying *mutatis mutandis* the provisions referred to in the preceding sentence the one-month deadline to submit an application for authorisation to acquire a qualifying holding shall apply from the day when the qualifying holder is informed or could be informed that their holding has increased due to a corporate action of the insurance undertaking.

Article 41
(Order to dispose of shares)

(1) If an ineligible holder fails to submit an application for authorisation to acquire a qualifying holding within one month of the acquisition of shares of the insurance undertaking, the Insurance Supervision Agency shall issue an order to dispose of shares that it holds in contravention of this Act (hereinafter: order to dispose of shares). In its order to dispose of shares, the Insurance Supervision Agency shall determine a deadline for the disposal of those shares which shall not be less than three and not longer than six months. Notwithstanding paragraph three of the preceding Article, if the ineligible holder achieves or exceeds a 90% share of the voting rights or the capital of the insurance undertaking, the Insurance Supervision Agency shall determine in its order to dispose of shares that the voting rights attached to the shares held by the ineligible holder in contravention of this Act shall be exercised by the Insurance Supervision Agency until the shares have been disposed of.

(2) Neupravičeni imetnik do poteka roka, določenega v odredbi o odsvojitvi delnic, Agenciji za zavarovalni nadzor predloži:

1. poročilo o odsvojitvi delnic, ki vključuje podatke o pridobitelju oziroma pridobiteljih delnic, in
2. dokaze o odsvojitvi.

(3) Agencija za zavarovalni nadzor od pridobitelja delnic iz prejšnjega odstavka zahteva, da pojasni, ali je delnice pridobil v svojem imenu in za svoj račun. Agencija za zavarovalni nadzor v postopku presoje, ali je imetnik ravnal v skladu z odredbo o odsvojitvi delnic, izvede ustrezne dokaze o okoliščini, za čigav račun je pridobitelj pridobil delnice. V postopku se smiselno uporablja 480. člen tega zakona.

(4) Prvi do tretji odstavek tega člena se smiselno uporabljajo tudi, če:
1. neupravičeni imetnik v enem mesecu od pridobitve delnic vloži zahtevo za izdajo dovoljenja za pridobitev kvalificiranega deleža in je ta zahteva zavrnjena, zavržena ali umaknjena;
2. je imetniku odvzeto dovoljenje za pridobitev kvalificiranega deleža.

(5) Za odredbo o odsvojitvi delnic se smiselno uporabljajo določbe tega zakona o odredbi o odpravi kršitev.

42. člen
(odločba o prepovedi uresničevanja pravic iz delnic)

(1) Če neupravičeni imetnik delnic ne odsvoji v roku, določenem z odredbo o odsvojitvi delnic, ali če Agencija za zavarovalni nadzor v postopku po tretjem odstavku prejšnjega člena ugotovi, da ima pridobitelj delnice, ki so bile odsvojene po odredbi o odsvojitvi delnic, v svojem imenu in za račun neupravičenega imetnika (v nadaljnjem besedilu: neupravičeni pridobitelj) izda odločbo, s katero neupravičenemu imetniku in morebitnim neupravičenim pridobiteljem prepove uresničevanje vseh pravic iz delnic zavarovalnice, ki jih ima v nasprotju s tem zakonom, in prepove zavarovalnici, da bi navedenim osebam na kakršenkoli način omogočila uresničevanje pravic iz teh delnic (v

(2) Before the expiry of the deadline provided by the order to dispose of shares, the ineligible holder shall submit the following to the Insurance Supervision Agency:
1. a report regarding the disposal of shares, which shall include information about the acquirer or acquirers of shares, and
2. evidence regarding disposal.

(3) The Insurance Supervision Agency shall request the acquirer of shares referred to in the preceding paragraph to clarify whether the shares were acquired on their own behalf and for their own account. During the assessment procedure as to whether the holder has acted in accordance with the order to dispose of shares, the Insurance Supervision Agency shall produce relevant evidence regarding the facts concerning the account for which the acquirer has acquired the shares. Article 480 of this Act shall apply, *mutatis mutandis*, to the procedure.

(4) Paragraphs one to three of this Article shall also apply, *mutatis mutandis*, if:
1. the ineligible holder submits an application for authorisation to acquire a qualifying holding within one month of the acquisition of shares, and the application is rejected, dismissed or withdrawn;
2. the holder's authorisation to acquire a qualifying holding is withdrawn.

(5) The provisions of this Act governing the order to eliminate violations shall apply, *mutatis mutandis*, to the order to dispose shares.

Article 42
(Decision prohibiting the exercising of rights attached to shares)

(1) If the ineligible holder does not dispose of shares within the deadline determined by the order to dispose of shares, or if the Insurance Supervision Agency, in the procedure pursuant to paragraph three of the preceding Article, determines that the acquirer holds shares that were subject to an order to dispose of shares on their own behalf and for the account of an ineligible holder (hereinafter: ineligible acquirer), the Insurance Supervision Agency shall issue a decision prohibiting the ineligible holder and possible ineligible holders from exercising any of the rights attached to the shares of the insurance undertaking held in contravention of this Act, and prohibiting the insurance undertaking from

nadaljnjem besedilu: odločba o prepovedi uresničevanja pravic iz delnic).

(2) Po izdaji odločbe o prepovedi uresničevanja pravic iz delnic lahko neupravičeni imetnik in morebitni neupravičeni pridobitelji uresničujejo samo še pravice iz števila delnic, ki se izračuna tako, da se od števila delnic, s katerimi je imetnik dosegel kvalificirani delež, odšteje ena delnica.

(3) Izrek odločbe o prepovedi uresničevanja pravic iz delnic vključuje:
1. podatke o neupravičenem imetniku, če je imetnik delnice odsvojil neupravičenemu pridobitelju, tudi podatke o neupravičenem pridobitelju;
2. število delnic, iz katerih lahko neupravičeni imetnik in morebitni neupravičeni pridobitelji skupno uresničujejo pravice iz delnic.

(4) Odločba o prepovedi uresničevanja pravic iz delnic zavarovalnice se vroči tudi zavarovalnici. Zavarovalnica od vročitve odločbe neupravičenemu imetniku in neupravičenim pridobiteljem iz delnic, na katere se odločba nanaša, ne sme omogočiti uresničevanja nobenih pravic iz teh delnic.

(5) Če je zavarovalnica v obdobju od vročitve odločbe o prepovedi uresničevanja pravic iz delnic do dneva, ko je delnice, na katere se je nanašala ta odločba, pridobil nov imetnik v skladu s tem zakonom, izplačala dividendo, zavarovalnica dividendo, ki pripade navedenim delnicam, izplača novemu imetniku v osmih dneh po tistem, ko jo novi imetnik obvesti o pridobitvi delnic.

43. člen
(delničarski sporazum)

(1) Delničarji zavarovalnice, ki so skupno imetniki delnic, na podlagi katerih ne dosegajo kvalificiranega deleža v zavarovalnici, in sklenejo sporazum o usklajenem uresničevanju upravljavskih upravičenj

enabling the aforementioned persons from exercising the rights attached to such shares in any manner (hereinafter: decision prohibiting the exercising of rights attached to shares).

(2) Following the issue of a decision prohibiting the exercising of rights attached to shares, an ineligible holder and a potential ineligible acquirer may exercise only those rights attached to the number of shares calculated by subtracting one share from the number of shares which represent the holder's qualifying holding.

(3) The operative part of a decision prohibiting the exercising of rights attached to shares shall include:
1. information regarding the ineligible holder and, if the holder disposed of their shares to an ineligible acquirer, including information regarding the ineligible acquirer;
2. the number of shares for which the ineligible holder and potential ineligible acquirers might jointly exercise rights attached to the shares.

(4) The decision prohibiting the exercising of rights attached to shares shall also be delivered to the insurance undertaking. After the service of the aforementioned decision, the insurance undertaking shall not permit the ineligible holder and ineligible acquirers of the shares to which the decision relates to exercise any of the rights attached to those shares.

(5) If the insurance undertaking, during the period following the service of the decision prohibiting the exercising of rights attached to shares and up until the date the shares to which the decision relates are acquired by a new holder in accordance with this Act, paid dividends, the insurance undertaking shall pay the dividend pertaining to those shares to the new holder within eight days of receiving the new holder's notice of the acquisition of shares.

Article 43
(Shareholders' agreement)

(1) The shareholders of an insurance undertaking who jointly hold shares based on which they fall short of a qualifying holding in the insurance undertaking and who enter into an agreement on the

iz teh delnic (v nadaljnjem besedilu: delničarski sporazum), v osmih dneh po sklenitvi o tem sporazumu obvestijo Agencijo za zavarovalni nadzor.

(2) Delničarji zavarovalnice, ki so skupno imetniki delnic, na podlagi katerih dosegajo ali presegajo kvalificirani delež v zavarovalnici in nameravajo skleniti delničarski sporazum (v nadaljnjem besedilu: kvalificirani delničarski sporazum), pred sklenitvijo tega sporazuma pridobijo dovoljenje Agencije za zavarovalni nadzor za pridobitev kvalificiranega deleža.

(3) Udeleženci kvalificiranega delničarskega sporazuma, ki imajo veljavno dovoljenje za pridobitev kvalificiranega deleža, pred vsako nadaljnjo pridobitvijo delnic zavarovalnice, na podlagi katere skupni delež udeležencev kvalificiranega delniškega sporazuma preseže razpon, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, pridobijo novo dovoljenje za pridobitev kvalificiranega deleža.

(4) Prejšnji odstavek se smiselno uporablja tudi če:

1. namerava h kvalificiranemu delničarskemu sporazumu pristopiti nov udeleženec ali
2. bi po sklenitvi delničarskega sporazuma iz prvega odstavka tega člena zaradi pridobitve dodatnih delnic ali zaradi pristopa novega udeleženca skupni delež udeležencev sporazuma dosegel ali presegel kvalificirani delež v zavarovalnici.

(5) Določbe 31., 34. do 42. člena ter 45. in 47. člen tega zakona o dovoljenju za pridobitev kvalificiranega deleža ter o pravicah in obveznostih posameznega kvalificiranega imetnika se smiselno uporabljajo tudi za udeležence kvalificiranega delničarskega sporazuma.

44. člen
(drugi primeri pridobitve položaja nadrejene osebe)

(1) Oseba, ki namerava skleniti podjetniško pogodbo korporacijskega prava ali drug pravni posel, na podlagi katerega bo pridobila položaj nadrejene osebe zavarovalnice, pridobi pred sklenitvijo

coordinated exercise of the management entitlements deriving from such shares (hereinafter: shareholders' agreement) shall notify the Insurance Supervision Agency accordingly within eight days of the conclusion of such an agreement.

(2) The shareholders of an insurance undertaking who jointly hold shares on the basis of which they achieve or exceed a qualifying holding in the insurance undertaking and who intend to conclude a shareholders’ agreement (hereinafter: qualifying shareholders’ agreement) shall obtain authorisation to acquire a qualifying holding prior to concluding such an agreement.

(3) Parties to a qualifying shareholders’ agreement with a valid authorisation to acquire a qualifying holding shall obtain a new authorisation to acquire a qualifying holding prior to any further acquisition of shares of the insurance undertaking based on which their joint holding will exceed the range subject to the already issued authorisation to acquire a qualifying holding.

(4) The preceding paragraph shall also apply, *mutatis mutandis*, if:

1. a new party intends to join a shareholders’ agreement or
2. upon entering into the shareholders' agreement referred to in paragraph one of this Article the total holding of parties to the agreement achieved or exceeded a qualifying holding in the insurance undertaking due to the acquisition of additional shares or owing to a new party joining the agreement.

(5) The provisions of Articles 31, 34 to 42 and 45 and 47 of this Act on authorisation for the acquisition of a qualifying holding and on the rights and obligations of individual qualifying holder shall also apply, *mutatis mutandis*, to the parties of the qualifying shareholders' agreement.

Article 44
(Other cases of acquiring the status of a parent entity)

(1) A person that intends to conclude an enterprise contract under corporation law or another legal transaction, on the basis of which the person will become the parent entity of the insurance undertaking,

tega pravnega posla dovoljenje za pridobitev kvalificiranega deleža iz drugega odstavka 31. člena tega zakona, ne glede na to, ali je hkrati delničar zavarovalnice oziroma kakšen delež delnic zavarovalnice ima.

(2) Za dovoljenje za pridobitev kvalificiranega deleža ter za pravice in obveznosti kvalificiranega imetnika iz prejšnjega odstavka se smiselno uporabljajo 34. do 42. člen ter 45. in 47. člen tega zakona.

45. člen
(odvzem dovoljenja za pridobitev kvalificiranega deleža)

(1) Agencija za zavarovalni nadzor lahko odvzame dovoljenje za pridobitev kvalificiranega deleža, če nastopijo okoliščine iz prvega ali drugega odstavka 37. člena tega zakona.

(2) Z dokončnostjo odločbe o odvzemu dovoljenja za pridobitev kvalificiranega deleža nastopijo pravne posledice iz 40. člena tega zakona.

46. člen
(pogojni odvzem dovoljenja za pridobitev kvalificiranega deleža)

(1) Z odločbo o odvzemu dovoljenja za pridobitev kvalificiranega deleža lahko Agencija za zavarovalni nadzor hkrati izreče, da se odvzem ne bo izvršil, če kvalificirani imetnik v preizkusnem določi Agencija za zavarovalni nadzor in ki ne sme biti krajše od šestih mesecev in ne daljše od dveh let od dneva izdaje odločbe, ne bo storil novih ravnanj, zaradi katerih bodo nastopile okoliščine, zaradi katerih je mogoče odvzeti dovoljenje.

(2) Agencija za zavarovalni nadzor prekliče pogojni odvzem dovoljenja in dovoljenje odvzame, če kvalificirani imetnik v preizkusnem obdobju stori novo ravnanje, zaradi katerega nastopijo okoliščine, zaradi

shall obtain authorisation to acquire a qualifying holding as referred to in paragraph two of Article 31 of this Act, regardless of whether the aforementioned person is, at the same time, a shareholder of the insurance undertaking or what their shareholding in the insurance undertaking is, prior to concluding that legal transaction.

(2) The provisions of Articles 34 to 42 and 45 to 47 of this Act shall apply, *mutatis mutandis*, for the authorisation to acquire a qualifying holding and to the rights and obligations of the qualifying holder referred to in the preceding paragraph.

Article 45
(Withdrawal of authorisation to acquire a qualifying holding)

(1) The Insurance Supervision Agency may withdraw authorisation to acquire a qualifying holding in the event of the arising of the circumstances referred to in paragraph one or two of Article 37 of this Act.

(2) The legal consequences referred to in Article 40 of this Act shall arise when the decision to withdraw authorisation to acquire a qualifying holding becomes final.

Article 46
(Conditional withdrawal of authorisation to acquire a qualifying holding)

(1) In the decision to withdraw authorisation for the acquisition of a qualifying holding, the Insurance Supervision Agency may also declare that the withdrawal will not be carried out if the qualifying holder during the trial period as determined by the Insurance Supervision Agency, which shall not be less than six months and not longer than two years from the day of issue of the decision, refrains from actions which would result in circumstances giving rise to withdrawal of the authorisation.

(2) The Insurance Supervision Agency shall revoke the conditional withdrawal of the authorisation and withdraw the authorisation if the qualifying holder during the trial period commits a new act resulting

katerih je mogoče odvzeti dovoljenje.

47. člen
(obvestila kvalificiranega imetnika Agenciji za zavarovalni nadzor)

(1) Če namerava kvalificirani imetnik, ki je pridobil dovoljenje za pridobitev kvalificiranega deleža, odsvojiti delnice tako, da bi se zaradi tega njegov delež zmanjšal pod spodnjo mejo razpona, za katerega velja dovoljenje, o tem predhodno obvesti Agencijo za zavarovalni nadzor.

(2) Če se delež kvalificiranega imetnika zaradi povečanja osnovnega kapitala ali drugih korporacijskih dejanj zmanjša pod spodnjo mejo razpona, za katerega velja dovoljenje, kvalificirani imetnik o tem obvesti Agencijo za zavarovalni nadzor.

(3) Kvalificirani imetnik obvesti Agencijo za zavarovalni nadzor o vsaki združitvi ali delitvi, pri kateri je udeležen, o vsaki drugi statusni spremembi in vsaki drugi spremembi, ki bi lahko vplivala na izpolnjevanje meril o primernosti, določenih v 36. členu tega zakona.

(4) Nadrejeni zavarovalni holding in mešani zavarovalni holding, ki imata v skladu z dovoljenjem za pridobitev kvalificiranega deleža položaj zavarovalnici nadrejene družbe, obvestita Agencijo za zavarovalni nadzor tudi o vsaki spremembi članov njunega poslovodstva.

48. člen
(predpis o kvalificiranih imetnikih)

Agencija za zavarovalni nadzor predpiše:
1. podrobnejša merila za presojo primernosti bodočega kvalificiranega imetnika iz 36. člena tega zakona;
2. podrobnejšo vsebino dokumentacije in informacij, ki jih je treba priložiti zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža;
3. podrobnejšo vsebino, način in rok pošiljanja obvestil iz prejšnjega člena.

in circumstances due to which the authorisation may be withdrawn.

Article 47
(Notifications of the qualifying holder to the Insurance Supervision Agency)

(1) If a qualifying holder that has obtained authorisation to acquire a qualifying holding is intending to dispose of their shares in a manner such that the qualifying holder's holding is reduced below the lower limit of the range subject to the authorisation, they must first notify the Insurance Supervision Agency.

(2) If the qualifying holder's holding is reduced below the lower limit of the range subject to the authorisation due to an increase in share capital or other corporate actions, the qualifying holder must notify the Insurance Supervision Agency accordingly.

(3) A qualifying holder shall inform the Insurance Supervision Agency of every merger or demerger to which they are a party, of every other change in status and of any other change that could affect the fulfilment of the eligibility criteria set out in Article 36 of this Act.

(4) A parent insurance holding company and a mixed insurance holding company which are in the position of a parent company of the insurance undertaking according to the authorisation to acquire a qualifying holding, must also notify the Insurance Supervision Agency of any change of members of the management.

Article 48
(Regulation on qualifying holders)

The Insurance Supervision Agency shall prescribe:
1. detailed criteria for the assessment of the suitability of a future qualifying holder as referred to in Article 36 of this Act;
2. detailed contents of the documentation and information to be attached to an application for authorisation to acquire a qualifying holding;
3. the detailed content, method and deadline for sending the notifications referred to in the preceding Article.

49. člen
(predhodno pisno obvestilo o nameri pridobitve kvalificiranega deleža v tuji finančni družbi)

(1) Zavarovalnica pred pridobitvijo kvalificiranega deleža v drugi zavarovalnici oziroma drugi finančni družbi s sedežem v tretji državi o nameri pisno obvesti Agencijo za zavarovalni nadzor najmanj dva meseca pred pridobitvijo.

(2) Zavarovalnica iz prejšnjega odstavka pred vsako nadaljnjo pridobitvijo, na podlagi katere bo dosegla ali presegla mejo 20%, ene tretjine ali 50% deleža glasovalnih pravic ali deleža v kapitalu zavarovalnice ali finančne družbe tretje države ali na podlagi katerega bo zavarovalnica postala obvladujoča družba zavarovalnice ali finančne družbe tretje države, o nameri pisno obvestiti Agencijo za zavarovalni nadzor najmanj tri mesece pred pridobitvijo.

(3) Če namerava zavarovalnica odsvojiti delnice oziroma poslovne deleže tako, da bi se njen delež v zavarovalnici ali finančni družbi tretje države zmanjšal pod mejo iz prvega oziroma drugega odstavka tega člena, o tem predhodno obvesti Agencijo za zavarovalni nadzor.

(4) Predhodnemu pisnemu obvestilu iz prvega ali drugega odstavka tega člena je treba priložiti:

1. seznam imetnikov kvalificiranih deležev v zavarovalnici ali finančni družbi tretje države s podatki o njihovih deležih ter prevod overjenega izpiska iz sodnega registra oziroma drugega javnega registra za vsakega izmed njih;
2. prevod overjenega izpiska iz sodnega registra oziroma drugega javnega registra za zavarovalnico ali finančno družbo tretje države;
3. letni poročili zavarovalnice ali finančne družbe tretje države za zadnji dve poslovni leti;
4. če je zavarovalnica ali finančna družba tretje države po predpisih države sedeža zavezana za revizijo: revizorjevo poročilo z mnenjem o letnem poročilu za zadnji dve poslovni leti;

Article 49
(Prior written notification of intended acquisition of a qualifying holding in a foreign financial undertaking)

(1) Before acquiring a qualifying holding in another insurance undertaking or financial undertaking with its head office in a third country, the insurance undertaking shall notify in writing the Insurance Supervision Agency of its intention at least two months prior to the acquisition.

(2) The insurance undertaking referred to in the preceding paragraph shall, prior to any subsequent acquisition based on which it will achieve or exceed the level of a 20%, one third or 50% share of the voting rights or capital in an insurance undertaking or a financial undertaking from a third country or based on which the insurance undertaking will become a controlling company of an insurance undertaking or a financial undertaking from a third country, notify the Insurance Supervision Agency in writing of its intention at least three months prior to the acquisition.

(3) If an insurance undertaking intends to dispose of shares or shareholdings in such a manner that its share in the insurance undertaking or financial undertaking from a third country will be reduced below the limit referred to in paragraph one or two of this Article, it shall first notify the Insurance Supervision Agency accordingly.

(4) The prior written notification referred to in paragraph one or two of this Article must be accompanied by:

1. a list of holders of qualifying holdings in the insurance undertaking or financial undertaking from a third country which includes, for each of them, information regarding their shares and a translation of the certified extract from the court register or other public register;
2. a translation of the certified extract from the court register or other public register for the insurance undertaking or financial undertaking from the third country;
3. annual reports of the insurance undertaking or financial undertaking from the third country for the last two business years;
4. if the insurance undertaking or financial undertaking from a third country is subject to audit pursuant to the regulations of the country of its head office: auditor’s reports, with opinions on the annual reports for the last two business years;

5. seznam oseb, ki so povezane z zavarovalnico ali finančno družbo tretje države z opisom načina povezav;

6. strategijo upravljanja zavarovalnice ali finančne družbe tretje države s presojo ekonomske učinkovitosti naložbe.

2.5. *Sistem upravljanja zavarovalnice*

50. člen
(trden in zanesljiv sistem upravljanja)

(1) Zavarovalnica vzpostavi in uresničuje trden in zanesljiv sistem upravljanja, ki obsega najmanj:
1. pregledno organizacijsko strukturo z natančno opredeljenimi, preglednimi in doslednimi notranjimi razmerji glede odgovornosti;
2. učinkovit sistem prenosa informacij;
3. učinkovite in v organizacijsko strukturo ter procese odločanja zavarovalnice integrirane ključne funkcije upravljanja. Ključne funkcije upravljanja so funkcija upravljanja tveganj, funkcija spremljanja skladnosti, funkcija notranje revizije in aktuarska funkcija;

4. učinkovito ter v organizacijsko strukturo in procese upravljanja vključeno funkcijo, s katero zavarovalnica zagotovi pravilno izvajanje politik in postopkov za distribucijo zavarovalnih produktov. Za izvajanje te funkcije uprava zavarovalnice imenuje odgovorno osebo, ki smiselno izpolnjuje pogoje iz tretjega odstavka 561. člena tega zakona;

5. strategijo, pisna pravila, procese in postopke upravljanja tveganj;

6. ukrepe za zagotovitev rednega in stalnega poslovanja, ki so skladni z njenimi sistemi, viri in postopki, med katere sodi tudi izdelava kriznega načrta.

(2) Zavarovalnica ima pisno opredeljena pravila sistema upravljanja, ki določajo najmanj način upravljanja tveganj, spremljanje skladnosti, sistem notranjih kontrol, notranjo revizijo, aktuarsko funkcijo, distribucijo zavarovalnih produktov in izločene posle, če zavarovalnica del

5. a list of persons connected with the insurance undertaking or financial undertaking from a third country with a description of how they are connected;
6. the management strategy of the insurance undertaking or financial undertaking from a third country with an assessment of the economic efficiency of the investment.

2.5. *Governance system of an insurance undertaking*

Article 50
(Sound and reliable governance system)

(1) Insurance undertakings shall set up and implement a sound and reliable governance system, which shall include at least the following:
1. a clear organisational structure with precisely defined, transparent and consistent internal relations regarding responsibilities;
2. an efficient system for transferring information;
3. effective key governance functions that are integrated into the organisational structure and decision making processes of the insurance undertaking. The key governance functions shall be the functions for risk management, compliance, internal audit and actuarial function;
4. 4. an effective function integrated into the organisational structure and management processes to ensure the proper implementation of insurance distribution policies and processes. The management board of the insurance undertaking shall appoint a person responsible for the performance of this function, who shall, *mutatis mutandis*, meet the conditions referred to in paragraph three of Article 561 of this Act;
5. a strategy, written rules, processes and procedures for risk management;
6. measures to ensure regular and continuous business operations, compliant with its systems, resources and procedures, which includes the establishment of a contingency plan.

(2) An insurance undertaking shall have written governance system rules which lay down at least the manner of risk management, compliance, the internal control system, internal audit, actuarial function, insurance distribution and outsourced business, if the insurance

poslovanja prenese na drugo osebo. Pravila sistema upravljanja so pregledna in razumljiva.

(3) Pravila sistema upravljanja so predmet rednega, najmanj letnega pregleda. Pravila sistema upravljanja predhodno potrdi upravni odbor oziroma uprava zavarovalnice s soglasjem nadzornega sveta zavarovalnice.

(4) Zavarovalnice vzpostavijo, vzdržujejo in posodabljajo evidenco vse dokumentacije v zvezi z distribucijo zavarovalnih produktov in imenovanjem odgovorne osebe za funkcijo distribucije.

(5) Sistem upravljanja je sorazmeren naravi, obsegu in zahtevnosti poslov zavarovalnice.

(6) Zavarovalnica na področju sistema upravljanja poleg tega zakona upošteva tudi akte in regulativne tehnične standarde, ki jih sprejme Evropska komisija na podlagi 50. člena Direktive 2009/138/ES, ter predpise, ki jih izda Agencija za zavarovalni nadzor.

51. člen
(funkcija)

V okviru sistema upravljanja funkcija pomeni sposobnost zavarovalnice za opravljanje praktičnih nalog.

52. člen
(nosilci ključnih funkcij)

(1) Nosilec ključne funkcije zavarovalnice je oseba, ki jo je upravni odbor ali uprava s soglasjem nadzornega sveta pooblastil kot osebo, ki je odgovorna za eno ali več ključnih funkcij zavarovalnice.

undertaking transfers part of its business to another person. The governance system rules shall be transparent and intelligible.

(3) The governance system rules shall be regularly revised at least once per year. The governance system rules shall be subject to prior approval by the board of directors or the management board of the insurance undertaking with the consent of the supervisory board of the insurance undertaking.

(4) Insurance undertakings shall establish, maintain and keep up-to-date records of all documentation on insurance distribution and the appointment of the person responsible for the distribution function.

(5) The governance system shall be commensurate with the nature, scope and complexity of the business of the insurance undertaking.

(6) Insurance undertakings shall regarding the governance system observe, in addition to this Act, the acts and regulatory technical standards adopted by the European Commission pursuant to Article 50 of Directive 2009/138/EC, and regulations issued by the Insurance Supervision Agency.

Article 51
(Function)

In the context of the insurance undertaking governance system, a function shall mean the capacity of an insurance undertaking to perform practical tasks.

Article 52
(Holders of key functions)

(1) The holder of a key function in an insurance undertaking shall be a person that is authorised by the board of directors or the management board with the consent of the supervisory board as a person with responsibility for one or more key functions of an insurance undertaking.

(2) Nosilec ključne funkcije je lahko le oseba, ki izpolnjuje naslednje pogoje:

1. je ustrezno strokovno usposobljena in ima lastnosti in izkušnje, potrebne za zanesljivo in preudarno opravljanje nalog ključne funkcije;
2. ni bila pravnomočno obsojena zaradi kaznivega dejanja;
3. nad njo ni bil začet postopek osebnega stečaja;
4. ni oseba, ki v zavarovalnici opravlja funkcijo člana uprave ali prokurista;
5. ni oseba, za katero je Agencija za zavarovalni nadzor v zadnjih petih letih zavarovalnici pravnomočno naložila odvzem pooblastila za ključno funkcijo zaradi hujše kršitve 4. oziroma 8. poglavja tega zakona;
6. je oseba dobrega ugleda in integritete.

(3) Nosilec funkcije notranje revizije poleg pogojev iz prejšnjega odstavka, izpolnjuje tudi pogoj iz 163. člena tega zakona. Nosilec aktuarske funkcije poleg pogojev iz prejšnjega odstavka, izpolnjuje tudi pogoje, ki so navedeni v 169. členu tega zakona.

(4) O podelitvi pooblastila nosilcu ključne funkcije zavarovalnica v roku osmih dni, od podelitve pooblastila, obvesti Agencijo za zavarovalni nadzor. V obvestilu poda tudi utemeljitve glede primernosti novo pooblaščenega nosilca ključne funkcije.

(5) Če v zvezi z nosilcem ključne funkcije nastopijo okoliščine, da nosilec ključne funkcije ne izpolnjuje več pogojev iz drugega odstavka tega člena, mu zavarovalnica odvzame pooblastilo za ključno funkcijo.

(6) Zavarovalnica v roku osmih dni od dneva odvzema pooblastila nosilcu ključne funkcije oziroma prenehanja opravljanja nalog nosilca ključne funkcije Agencijo za zavarovalni nadzor pisno obvesti o razlogih, ki so privedli do odvzema pooblastila nosilcu ključne funkcije oziroma prenehanja opravljanja nalog nosilca ključne funkcije.

(2) The holder of a key function can only be a person meeting the following conditions:

1. is duly professionally competent and has the characteristics and experience required for the reliable and prudent performance of the key function tasks;
2. has not been finally convicted of a criminal act;
3. the person has not been the subject of personal bankruptcy proceedings;
4. is not a person performing the function of a member of the management board or a holder of procuration in the insurance undertaking;
5. is not a person for whom the Insurance Supervision Agency has finally imposed on the insurance undertaking the withdrawal of authorisation for a key function in the last five years due to a serious violation of Chapter Four or Eight of this Act;
6. is a person of good reputation and integrity.

(3) The holder of the internal audit function shall, in addition to the conditions referred to in the preceding paragraph, also fulfil the conditions referred to in Article 163 of this Act. The holder of the actuarial function shall, in addition to the conditions referred to in the preceding paragraph, also fulfil the conditions referred to in Article 169 of this Act.

(4) An insurance undertaking shall notify the Insurance Supervision Agency of the granted authorisation to a holder of a key function within eight days of the authorisation being granted. The notification shall also include the reasons regarding the suitability of the new authorised holder of a key function.

(5) If circumstances arise regarding the holder of a key function, such that the holder of a key function no longer fulfils the conditions referred to in paragraph two of this Article, the insurance undertaking shall withdraw its authorisation for the key function.

(6) An insurance undertaking shall, within eight days of the withdrawal of authorisation of the holder of a key function or the cessation of duties assigned to the holder of a key function, notify in writing the Insurance Supervision Agency of the reasons for the withdrawal of the authorisation of the holder of a key function or the cessation of duties by the holder of a key function.

(7) Nosilec ključne funkcije v roku osmih dni od dne, ko je po lastni volji prenehal opravljati naloge ključne funkcije, obvesti Agencijo za zavarovalni nadzor o razlogih za prenehanje opravljanja nalog ključne funkcije.

(8) V primeru odvzema pooblastila nosilcu ključne funkcije oziroma prenehanja opravljanja nalog nosilca ključne funkcije zavarovalnica pooblasti novega nosilca ključne funkcije v najkrajšem možnem času, vendar najkasneje v treh mesecih od dneva odvzema pooblastila nosilcu ključne funkcije oziroma od dneva prenehanja opravljanja nalog ključne funkcije.

(9) Za namen ugotavljanja in nadzora nad izpolnjevanjem pogojev nosilcev ključnih funkcij Agencija za zavarovalni nadzor in zavarovalnica pridobita podatke iz 2. točke drugega odstavka tega člena od nosilca ključne funkcije, lahko pa jih pridobita iz kazenske evidence.

(10) Za namen ugotavljanja in nadzora izpolnjevanja pogojev nosilcev ključnih funkcij Agencija za zavarovalni nadzor in zavarovalnica pridobita podatke iz 3. točke drugega odstavka tega člena iz poslovnega registra oziroma druge evidence.

(11) Za osebe, ki niso državljani Republike Slovenije, Agencija za zavarovalni nadzor in zavarovalnica pridobita kot zadosten dokaz glede 2. in 3. točke drugega odstavka tega člena enakovredne dokumente pristojnih organov držav, v katerih je tuji državljan prebival v zadnjih desetih letih pred pooblastitvijo za nosilca ključne funkcije.

53. člen
(kršitve nalog nosilcev ključnih funkcij)

(1) Kršitve nalog nosilcev ključnih funkcij pomenijo kršitev nalog nosilcev ključnih funkcij, kot jih za posamezno ključno funkcijo v 4. oziroma 8. poglavju določa ta zakon.

(2) Agencija za zavarovalni nadzor z odredbo naloži

(7) The holder of a key function shall within eight days of the day that the holder voluntarily ceased to perform the duties of a key function notify the Insurance Supervision Agency of the reasons for ceasing to perform the duties of a key function.

(8) In the event of withdrawal of authorisation of the holder of a key function or cessation of duties of a key function, the insurance undertaking shall authorise a new holder of the key function within the shortest possible time, however, not later than three months from the date of withdrawal of authorisation of the holder of a key function or cessation of the performance of duties of the key function.

(9) For the purpose of establishing and supervising the fulfilment of conditions by holders of key functions, the Insurance Supervision Agency and the insurance undertaking shall obtain the information referred to in point 2 of paragraph two of this Article from the holder of a key function or also from the criminal records.

(10) For the purpose of establishing and supervising the fulfilment of conditions by holders of key functions, the Insurance Supervision Agency and the insurance undertaking shall obtain the information referred to in point 3 of paragraph two of this Article from the business register or other records.

(11) For persons who are not nationals of the Republic of Slovenia, the Insurance Supervision Agency and the insurance undertaking shall obtain as sufficient proof regarding points 2 and 3 of paragraph two of this Article equivalent documents from the competent authorities of countries in which the foreign national resided in the last ten years before receiving authorisation as the holder of a key function.

Article 53
(Violations of duties by holders of key functions)

(1) Violations of duties by holders of key functions shall mean violations of duties by holders of key functions as provided for each individual key function in Chapter Four or Eight of this Act.

(2) The Insurance Supervision Agency shall issue an order

zavarovalnici odvzem pooblastila nosilcu ključne funkcije in pooblastitev novega nosilca ključne funkcije, če:

- nosilec ključne funkcije ne izpolnjuje pogojev iz drugega odstavka prejšnjega člena,
- nosilec ključne funkcije huje krši naloge, določene s tem zakonom.

(3) Če nosilec ključne funkcije stori hujšo kršitev, opredeljeno v četrtem odstavku tega člena, zavarovalnica odvzame tej osebi pooblastilo za ključno funkcijo in o tem obvesti Agencijo za zavarovalni nadzor v skladu s šestim odstavkom prejšnjega člena.

(4) Kršitev nalog nosilca ključne funkcije ima značilnost hujše kršitve, če:

1. je zaradi kršitve nalog nosilca ključne funkcije ogroženo poslovanje zavarovalnice v skladu s pravili o obvladovanju tveganj ali

2. nosilec ključne funkcije ponovno stori kršitev vsaj enkrat v treh letih po storitvi istovrstne kršitve.

(5) Agencija za zavarovalni nadzor izreče nosilcu ključne funkcije opomin, če krši obveznosti iz 4. ali 8. poglavja tega zakona, ki se nanašajo na naloge nosilca ključne funkcije, in niso podani pogoji za odvzem pooblastila.

2.6. *Organi vodenja in nadzora zavarovalnice*

2.6.1. Skupne določbe

54. člen
(izbira sistema upravljanja zavarovalnice)

(1) Zavarovalnica lahko izbere dvotirni sistem upravljanja zavarovalnice z upravo in nadzornim svetom ali enotirni sistem upravljanja zavarovalnice z upravnim odborom.

imposing on an insurance undertaking the withdrawal of authorisation for the holder of a key function and the authorisation of a new holder of a key function if:

- the holder of a key function does not fulfil the conditions referred to in paragraph two of the preceding article,
- the holder of a key function commits a serious violation of duties laid down by this Act.

(3) If the holder of a key function commits a serious violation as defined in paragraph four of this Article, the insurance undertaking shall withdraw the authorisation for a key function from this person and notify the Insurance Supervision Agency accordingly, in accordance with paragraph six of the preceding Article.

(4) Violations of duties of the holder of a key function shall have the characteristics of a serious violation, if:

1. the violation of duties of the holder of a key function poses a threat to the business operations of the insurance undertaking according to the risk management rules or
2. the holder of a key function recommits a violation at least once in a period of three years after the same violation has been committed.

(5) The Insurance Supervision Agency shall issue a warning to the holder of a key function, if the holder violates duties as referred to in Chapter Four or Eight of this Act relating to duties of the holder of a key function, and if the conditions for the withdrawal of authorisation are not fulfilled.

2.6. *Insurance undertaking's management and supervisory bodies*

2.6.1. Common provisions

Article 54
(Selection of insurance undertaking's governance system)

(1) An insurance undertaking may select a two-tier governance system with a management board and a supervisory board, or a one-tier governance system with a board of directors.

(2) Za upravo in nadzorni svet zavarovalnice se uporablja ta zakon in določbe zakona, ki ureja gospodarske družbe, ki urejajo upravo oziroma nadzorni svet delniške družbe. V primeru družbe za vzajemno zavarovanje se določbe zakona, ki ureja gospodarske družbe uporabljajo smiselno, pri čemer se ne uporablja določbe, ki ureja udeležbo članov uprave pri dobičku.

(3) Določbe tega zakona, ki veljajo za člane organov vodenja in nadzora, vključno s pogoji, določenimi v 57. in 67. členu tega zakona, veljajo tudi za člane, ki so predstavniki delavcev. Pri izreku ukrepa iz tretjega odstavka 67. člena tega zakona se v primeru člana nadzornega sveta, ki je predstavnik delavcev, namesto skupščine zavarovalnice upošteva organ, ki je imenoval predstavnika delavcev v nadzorni svet zavarovalnice. Pri izreku ukrepa iz 5. točke prvega odstavka 308. člena in 4. točke prvega odstavka 312. člena tega zakona se v primeru člana uprave, ki je predstavnik delavcev, namesto nadzornega sveta zavarovalnice upošteva organ, ki je imenoval predstavnika delavcev v upravo zavarovalnice.

(4) Kadar ta zakon ne določa drugače, se za upravni odbor zavarovalnice z enotirnim sistemom upravljanja smiselno uporabljajo določbe tega zakona o nadzornem svetu zavarovalnice, za izvršne direktorje pa določbe tega zakona o upravi zavarovalnice. Za posameznega člana upravnega odbora se smiselno uporabljajo določbe tega zakona o članu nadzornega sveta zavarovalnice, za posameznega izvršnega direktorja pa določbe o članu uprave.

(5) Za izvršne direktorje in člane upravnega odbora zavarovalnice z enotirnim sistemom upravljanja veljajo posebna pravila:

1. upravni odbor zavarovalnice imenuje najmanj dva izvršna direktorja;

(2) The management board and the supervisory board of an insurance undertaking are subject to this Act and the provisions of the Act governing companies that govern the management or supervisory board of a public limited company. In the case of a mutual insurance company, the provisions of the Act governing companies shall apply, *mutatis mutandis*, while the provisions governing the profit participation of members of the management board shall not apply.

(3) The provisions of this Act which are applicable to members of the management and supervisory bodies, including the conditions laid down in Articles 57 and 67 of this Act, shall also apply to members who are employees' representatives. In imposing the measure referred to in paragraph three of Article 67 of this Act, in the case of the member of the supervisory board who is an employees' representative, the body that appointed the employees' representative to the supervisory board of an insurance undertaking shall be taken into account instead of the general meeting of the insurance undertaking. In imposing the measure referred to in point 5 of paragraph one of Article 308 of this Act and point 4 of paragraph one of Article 312 of this Act, the body that appointed the employees' representative to the management board of an insurance undertaking shall be taken into account in the case of a member of the management board who is an employees' representative, instead of the supervisory board of the insurance undertaking.

(4) Unless otherwise provided by this Act, the provisions of this Act regarding the supervisory board of an insurance undertaking shall apply, *mutatis mutandis*, to the board of directors of an insurance undertaking with a one-tier governance system, and the provisions of this Act concerning the management board of an insurance undertaking shall apply, *mutatis mutandis*, to executive directors. For an individual member of the board of directors, the provisions of this Act regarding the member of a supervisory board shall apply, *mutatis mutandis*, and for an individual executive director, the provisions regarding the member of the management board shall apply, *mutatis mutandis*.

(5) Executive directors and members of the board of directors of an insurance undertaking with a one-tier governance system shall be subject to the following special rules:

1. the insurance undertaking's board of directors shall appoint at least two executive directors;

2. za izvršnega direktorja je lahko imenovana največ polovica članov upravnega odbora zavarovalnice;
3. člani upravnega odbora, ki niso izvršni direktorji, ne smejo voditi poslov zavarovalnice.

(6) Za upravljanje, nadzor in nosilce ključnih funkcij zavarovalnice se uporabljajo:
1. določbe 2.5. in 2.6. oddelka tega zakona,
2. akt, ki ga izda Evropska komisija na podlagi prvega in drugega odstavka 50. člena Direktive 2009/138/ES, in
3. predpisi, ki jih izda Agencija za zavarovalni nadzor.

55. člen
(predpis o članih uprave)

Agencija za zavarovalni nadzor predpiše podrobno dokumentacijo, s katero kandidat za člana uprave zavarovalnice izkazuje izpolnjevanje pogojev iz 57. člena tega zakona.

2.6.2. Uprava zavarovalnice

56. člen
(uprava zavarovalnice)

(1) Uprava zavarovalnice ima najmanj dva člana, ki zavarovalnico skupaj zastopata in predstavljata v pravnem prometu. Nihče od članov uprave zavarovalnice oziroma prokurist ne sme biti pooblaščen za samostojno zastopanje zavarovalnice za celoten obseg poslov iz dejavnosti zavarovalnice.

(2) Člani uprave zavarovalnice opravljajo posle vodenja zavarovalnice na podlagi pogodbe o zaposlitvi, sklenjene za polni delovni čas.

(3) Najmanj en član uprave zavarovalnice ima znanje

2. not more than one half of the members of the insurance undertaking's board of directors may be appointed as executive directors;
3. members of the board of directors who are not executive directors shall not manage the business of the insurance undertaking.

(6) The following shall apply to management, supervision and holders of key functions of an insurance undertaking:
1. the provisions of Sections 2.5 and 2.6 of this Act,
2. the act issued by the European Commission pursuant to paragraphs one and two of Article 50 of Directive 2009/138/EC, and
3. regulations issued by the Insurance Supervision Agency.

Article 55
(Regulation on members of the management board)

The Insurance Supervision Agency shall lay down detailed documentation for the purpose of evidencing the satisfaction of conditions set out in Article 57 of this Act by a candidate for a member of the management board of an insurance undertaking.

2.6.2. Insurance undertaking’s management board

Article 56
(Insurance undertaking’s management board)

(1) An insurance undertaking’s management board shall comprise at least two members who shall jointly act on behalf of and represent the insurance undertaking in legal transactions. No member of an insurance undertaking's management board or a holder of procuration may be authorised to act independently on behalf of the insurance undertaking with respect to the entire scope of the insurance undertaking’s activities.

(2) The members of the management board of an insurance undertaking shall carry out the insurance undertaking management tasks on the basis of a full-time employment contract.

(3) At least one member of the management board of an

slovenskega jezika, primerno za opravljanje dolžnosti člana uprave zavarovalnice.

(4) Uprava zavarovalnice vodi posle zavarovalnice v Republiki Sloveniji.

(5) Uprava zavarovalnice je sestavljena tako, da je zagotovljena ustrezna raznolikost kvalifikacij, znanja in izkušenj za profesionalno upravljanje zavarovalnice.

57. člen
(pogoji za člana uprave zavarovalnice)

(1) Član uprave zavarovalnice je lahko oseba, ki izpolnjuje naslednje pogoje:

1. je ustrezno strokovno usposobljena in ima lastnosti in izkušnje, potrebne za vodenje poslov zavarovalnice;
2. ni bila pravnomočno obsojena zaradi kaznivega dejanja;
3. nad njo ni bil začet postopek osebnega stečaja;
4. je oseba dobrega ugleda in integritete.

(2) Pogoj iz 1. točke prejšnjega odstavka je izpolnjen, če ima oseba zadostno teoretično in praktično znanje za vodenje zavarovalnih poslov. Šteje se, če se ne dokaže drugače, da je pogoj iz 1. točke prejšnjega odstavka izpolnjen, če ima oseba najmanj petletne izkušnje pri vodenju poslov zavarovalnice oziroma družbe primerljive velikosti in dejavnosti kot zavarovalnica oziroma drugih primerljivih poslov.

(3) Podatke iz 2. točke prvega odstavka tega člena pridobi Agencija za zavarovalni nadzor od kandidata za člana uprave zavarovalnice, lahko pa jih pridobi iz kazenske evidence.

insurance undertaking shall have sufficient knowledge of the Slovenian language to properly perform their duties as a member of the insurance undertaking's management board.

(4) The management board of an insurance undertaking shall manage the insurance undertaking's business in the Republic of Slovenia.

(5) The management board of an insurance undertaking shall be composed in a manner that provides a suitable diversity of qualifications, knowledge and experience for the professional management of the undertaking.

Article 57
(Conditions for a member of the management board of an insurance undertaking)

(1) A person fulfilling the following conditions may be a member of an insurance undertaking's management board:

1. is duly professionally competent and has the characteristics and experiences required for the management of the insurance undertaking's business;
2. has not been finally convicted of a criminal act;
3. the person has not been the subject of personal bankruptcy proceedings;
4. is a person of good reputation and integrity.

(2) The condition referred to in point 1 of the preceding paragraph is fulfilled if the person has sufficient theoretical and practical knowledge to manage the insurance business. In the absence of proof to the contrary, it shall be deemed that the condition referred to in point 1 of the preceding paragraph is fulfilled if the person has at least five years of experience in managing the business of an insurance undertaking or an undertaking of a comparable size and activity to an insurance undertaking or other comparable business.

(3) The information referred to in point 2 of paragraph one of this Article shall be obtained by the Insurance Supervision Agency from the candidate for a member of the management board of an insurance undertaking, or also from the criminal record.

(4) Podatke iz 3. točke prvega odstavka tega člena pridobi Agencija za zavarovalni nadzor iz poslovnega registra.

(5) Za tuje državljane pridobi Agencija za zavarovalni nadzor kot zadosten dokaz glede 2. in 3. točke prvega odstavka tega člena enakovredne dokumente pristojnih organov države, v katerih je tuji državljan prebival v zadnjih desetih letih pred imenovanjem za člana uprave zavarovalnice.

(6) Kadar pristojni organ države članice ali tretje države, v kateri ima ali je imel bivališče tuji državljan, ne posreduje podatkov iz prejšnjega odstavka, ima enakovredno veljavo izjava tujega državljana, overjena pri notarju.

(7) Dokumenti iz petega in šestega odstavka tega člena se predložijo v roku treh mesecev od njihove izdaje.

58. člen
(sklep nadzornega sveta o imenovanju za člana uprave zavarovalnice)

(1) Nadzorni svet odloča o imenovanju določene osebe za člana uprave zavarovalnice, preden ta oseba vloži zahtevo za izdajo dovoljenja za opravljanje te funkcije.

(2) Sklep nadzornega sveta o imenovanju določene osebe za člana uprave zavarovalnice učinkuje:

1. pod odložnim pogojem, ki nastopi, če ta oseba pridobi dovoljenje za opravljanje te funkcije; in
2. pod razveznim pogojem, ki nastopi, če:
   - ta oseba v 15 dneh po prejemu sklepa o imenovanju za člana uprave zavarovalnice ne vloži zahteve za izdajo dovoljenja za opravljanje te funkcije ali če tako zahtevo umakne, ali

   - Agencija za zavarovalni nadzor zavrže ali zavrne zahtevo te osebe

(4) The information referred to in point 3 of paragraph one of this Article shall be obtained by the Insurance Supervision Agency from the business register.

(5) For foreign nationals, the Insurance Supervision Agency shall obtain as sufficient proof regarding points 2 and 3 of paragraph one of this Article equivalent documents from the competent authorities of countries in which the foreign national resided in the last ten years before being appointed a member of the management board of an insurance undertaking.

(6) If the competent authority of a Member State or a third country in which the foreign national resides or resided does not submit the information referred to in the preceding paragraph, a notarised statement by the foreign national shall be of equal value.

(7) The documents referred to in paragraphs five and six of this Article shall be submitted within three months of the date of their issue.

Article 58
(Resolution of supervisory board on the appointment of a member of the management board of an insurance undertaking)

(1) The supervisory board shall decide on the appointment of a certain person as a member of the management board of an insurance undertaking before this person files an application for authorisation to perform this function.

(2) A resolution of the supervisory board on the appointment of a certain person as a member of the management board of an insurance undertaking shall take effect:
1. under the suspensive condition that arises if such a person receives authorisation to perform that function; and
2. under the resolutory condition that arises if:
   - this person does not file an application for authorisation to perform that function within 15 days of receipt of the resolution on their appointment as a member of an insurance undertaking’s management board, or if they withdraw such an application, or
   - the Insurance Supervision Agency rejects or dismisses this person's

za izdajo dovoljenja za opravljanje te funkcije.

59. člen
(dovoljenje za opravljanje funkcije člana uprave zavarovalnice)

(1) Funkcije člana uprave zavarovalnice ne sme nastopiti niti opravljati oseba, ki ni pridobila dovoljenja Agencije za zavarovalni nadzor za opravljanje funkcije člana uprave zavarovalnice.

(2) Zahtevi za izdajo dovoljenja za opravljanje funkcije člana uprave zavarovalnice kandidat za člana uprave priloži:

1. dokaze o izpolnjevanju pogojev iz 57. člena tega zakona,
2. sklep nadzornega sveta zavarovalnice o imenovanju za člana uprave zavarovalnice.

(3) Agencija za zavarovalni nadzor lahko odloči, da kandidat za člana uprave zavarovalnice v postopku odločanja o dovoljenju opravi predstavitev vodenja poslov zavarovalnice.

(4) Agencija za zavarovalni nadzor izda dovoljenje za opravljanje funkcije člana uprave zavarovalnice, če kandidat izpolnjuje pogoje za člana uprave zavarovalnice in če je bil imenovan v skladu z 58. členom tega zakona.

(5) Agencija za zavarovalni nadzor podatke, ki jih potrebuje v postopku odločanja o izdaji dovoljenja za opravljanje funkcije člana uprave, po uradni dolžnosti brezplačno pridobi od pristojnih državnih organov oziroma nosilcev javnih pooblastil. Za presojo ugleda in izkušenj posameznega kandidata Agencija za zavarovalni nadzor pridobi tudi informacije, ki jih obdeluje EIOPA glede morebitnih ukrepov in sankcij, ki so jih izrekli drugi pristojni organi.

application for authorisation to perform this function.

Article 59
(Authorisation to perform the function of member of an insurance undertaking's management board)

(1) A person may not take up or perform the function of member of a management board of an insurance undertaking, without prior authorisation to perform the function of member of the management board of an insurance undertaking from the Insurance Supervision Agency.

(2) A candidate for a member of the management board shall attach the following to the application for authorisation to perform the function of member of the insurance undertaking's management board:
1. evidence of fulfilling the conditions referred to in Article 57 of this Act,
2. a resolution of the insurance undertaking's supervisory board on the appointment as a member of the management board of the insurance undertaking.

(3) During the decision making process on the authorisation, the Insurance Supervision Agency may decide that a candidate for member of the management board of an insurance undertaking shall make a presentation of the management of the business of an insurance undertaking.

(4) The Insurance Supervision Agency shall grant authorisation to perform the function of a management board member of an insurance undertaking provided that the candidate satisfies the conditions for membership in the insurance undertaking's management board and that they were appointed in accordance with Article 58 of this Act.

(5) The Insurance Supervision Agency shall obtain the information it requires in the decision making process regarding the issuing of authorisation to perform the function of a member of the insurance undertaking's management board *ex officio* free of charge from the competent state authorities or holders of public authority. In order to assess the reputation and experience of an individual candidate, the Insurance Supervision Agency shall also obtain information processed by EIOPA on potential measures and sanctions that were imposed by other competent authorities.

(6) Dovoljenje za opravljanje funkcije člana uprave zavarovalnice preneha veljati, če:

- osebi preneha funkcija člana uprave zavarovalnice, na katero se dovoljenje nanaša, ali

- oseba v treh mesecih od prejema dovoljenja za opravljanje funkcije člana uprave zavarovalnice ni začela opravljati funkcije člana uprave zavarovalnice, na katero se dovoljenje nanaša. Kadar oseba pridobi dovoljenje za opravljanje funkcije člana uprave zavarovalnice v ustanavljanju, začne rok iz prejšnjega stavka teči z dnem vpisa zavarovalnice v sodni register, vendar dovoljenje za opravljanje funkcije člana uprave preneha najkasneje takrat, ko preneha veljavnost dovoljenja zavarovalnici za opravljanje zavarovalnih poslov.

(7) Nadzorni svet zavarovalnice Agencijo za zavarovalni nadzor obvesti o tem, da je osebi prenehala funkcija člana uprave zavarovalnice, najpozneje v petih delovnih dneh po prenehanju funkcije.

(8) Če dovoljenje za opravljanje funkcije člana uprave zavarovalnice preneha veljati, Agencija za zavarovalni nadzor izda odločbo, s katero ugotovi, da je dovoljenje prenehalo veljati.

60. člen
(prokura)

(1) Zavarovalnica lahko podeli prokuro in jo vpiše v sodni register le osebi, ki izpolnjuje pogoje iz prvega odstavka 57. člena tega zakona.

(2) Če je bilo članu uprave zavarovalnice odvzeto dovoljenje za opravljanje funkcije člana uprave zavarovalnice, zavarovalnica tej osebi pet let od pravnomočnosti odločbe o odvzemu dovoljenja ne sme podeliti prokure in prokure ne sme vpisati v sodni register.

(6) The authorisation to perform the function of a member of the insurance undertaking’s management board shall terminate if:

- a person’s function as a member of the insurance undertaking’s management board to which the authorisation relates is terminated, or
- within three months of receiving authorisation to perform the function of a management board member of an insurance undertaking, the person has not started the function of a management board member of the insurance undertaking to which the authorisation relates. When a person obtains authorisation to perform the function of a management board member of an insurance undertaking in the process of being established, the period referred to in the preceding sentence shall begin from the date of entry of the insurance undertaking in the court register; however, the authorisation to perform the function of a management board member shall expire at the latest upon the expiry of the insurance undertaking's authorisation to conduct insurance business.

(7) The insurance undertaking’s supervisory board shall notify the Insurance Supervision Agency of the termination of a person's function as a member of the insurance undertaking’s management board no later than five business days after the termination of such person's function.

(8) If the authorisation to perform the function of a member of the insurance undertaking’s management board is terminated, the Insurance Supervision Agency shall issue a decision establishing that the authorisation has been terminated.

Article 60
(Procuration)

(1) An insurance undertaking may grant powers of procuration and enter it in the court register only to a person fulfilling the conditions referred to in paragraph one of Article 57 of this Act.

(2) If the authorisation of a member of the management board of an insurance undertaking to perform the function of member of the insurance undertaking’s management board has been withdrawn, the insurance undertaking may not grant powers of procuration to this person

(3) Agencija za zavarovalni nadzor z odredbo naloži upravi in nadzornemu svetu zavarovalnice, da razreši prokurista, če:

- ta ne izpolnjuje pogojev iz prvega odstavka 57. člena tega zakona,
- je kršen prejšnji odstavek.

61. člen
(dolžnosti članov uprave)

(1) Člani uprave zavarovalnice zagotovijo, da zavarovalnica posluje v skladu s tem zakonom in predpisi, izdanimi na njegovi podlagi, ter drugimi zakoni, ki urejajo poslovanje zavarovalnice, in predpisi, izdanimi na njihovi podlagi.

(2) Člani uprave zavarovalnice solidarno odgovarjajo zavarovalnici za škodo, ki je nastala kot posledica kršitve njihovih nalog, razen če dokažejo, da so pošteno in vestno izpolnjevali svoje dolžnosti.

(3) Posamezni član uprave zavarovalnice je prost odškodninske odgovornosti za škodo iz drugega odstavka tega člena, če dokaže enega od naslednjih oprostilnih razlogov:

1. da dejanj, določenih v prvem odstavku tega člena, ni mogel opraviti samostojno in:
   - je na seji uprave zavarovalnice predlagal, da se opravijo, a so drugi člani uprave zavarovalnice temu nasprotovali, ali
   - član uprave zavarovalnice, ki je bil v notranjem razmerju med člani uprave odgovoren za področje poslovanje zavarovalnice, na katerem je podana kršitev, iz katere izhaja škoda, ni pravočasno pripravil ustreznih strokovnih podlag, ali
2. da za kršitev določbe prvega odstavka tega člena kljub potrebni

and the procuration may not be entered in the court register for five years from the finality of the decision on the withdrawal of the authorisation.

(3) The Insurance Supervision Agency shall by a decision require the management board and the supervisory board of an insurance undertaking to dismiss the holder of procuration if:
- the holder of procuration does not fulfil the conditions referred to in paragraph one of Article 57 of this Act,
- the provisions of the preceding paragraph are violated.

Article 61
(Duties of members of the management board)

(1) Members of the insurance undertaking's management board shall ensure that the insurance undertaking's business is consistent with this Act and regulations issued on the basis thereof, or with other Acts governing the business of insurance undertakings and regulations issued on the basis thereof.

(2) Members of the insurance undertaking's management board shall be jointly and severally liable to the insurance undertaking for damage incurred as a result of a violation of their duties, unless they prove that they acted with due professional care and diligence in the exercise of their managerial duties.

(3) An individual member of the insurance undertaking's management board shall not be liable for damage referred to in paragraph two of this Article, if they prove one of the following reasons for exclusion of liability:
1. that actions referred to in paragraph one of this Article could not have been performed individually and:
   - they proposed at a meeting of the management board of the insurance undertaking the performance of such actions, but the other members of the management board were against his proposal, or
   - the member of the insurance undertaking's management board who was internally responsible for the area of business of the insurance undertaking where the violation resulted in damages, failed to prepare appropriate expert groundwork, or
2. that the violation of paragraph one of this Article could not have been

profesionalni skrbnosti ni mogel vedeti ali je ni mogel preprečiti.

known about, or prevented by the member, irrespective of due professional diligence.

62. člen
(obveščanje nadzornega sveta)

(1) Uprava zavarovalnice nemudoma pisno obvesti nadzorni svet zavarovalnice:

1. če je ogrožena likvidnost ali kapitalska ustreznost zavarovalnice;
2. če nastopijo razlogi za prenehanje ali odvzem dovoljenja za opravljanje zavarovalnih poslov oziroma prepoved opravljanja posameznih zavarovalnih poslov;
3. če se finančni položaj zavarovalnice spremeni tako, da primerni lastni viri sredstev ne dosegajo zahtevanega solventnostnega kapitala;
4. če se finančni položaj zavarovalnice spremeni tako, da primerni osnovni lastni viri sredstev ne dosegajo zahtevanega minimalnega kapitala;
5. o ugotovitvah Agencije za zavarovalni nadzor, davčne inšpekcije in drugih nadzornih organov v postopkih nadzora nad zavarovalnico.

(2) Član uprave zavarovalnice nadzorni svet nemudoma pisno obvesti:

1. da je bil imenovan ali da mu je prenehala funkcija v organih vodenja ali nadzora drugih pravnih oseb;

2. o pravnih poslih, na podlagi katerih je posredno ali neposredno sam ali njegov ožji družinski član pridobil delnice oziroma poslovne deleže pravne osebe, na podlagi katerih skupaj s svojimi ožjimi družinskimi člani v tej pravni osebi doseže ali preseže kvalificirani delež oziroma se njihov delež zmanjša pod mejo kvalificiranega deleža;

3. o odvzemu dovoljenja za opravljanje funkcije člana uprave zavarovalnice.

63. člen
(odvzem dovoljenja za opravljanje funkcije člana uprave)

Article 62
(Notification to the supervisory board)

(1) The insurance undertaking's management board shall immediately notify the insurance undertaking's supervisory board in writing of:

1. threats to the insurance undertaking's liquidity or capital adequacy;
2. grounds for the revocation or withdrawal of authorisation to conduct insurance business, and for the prohibition of the performance of individual types of insurance business;
3. changes in the insurance undertaking's financial condition so that the eligible own funds do not attain the solvency capital requirement;
4. changes in the insurance undertaking's financial condition so that eligible basic own funds of the undertaking do not attain the minimum capital requirement;
5. findings of the Insurance Supervision Agency, tax investigation and other supervisory authorities relating to the supervisory procedures of the insurance undertaking.

(2) A member of the insurance undertaking‘s management board shall immediately notify the supervisory board in writing of:

1. that they have been appointed or that their function in the management or supervisory bodies of other legal persons has been terminated;
2. about legal transactions through which they or their close family member directly or indirectly have acquired shares or holdings in a legal person on the basis of which they, together with their close family members, achieve or exceed a qualifying holding in such a legal person, or their holding declines below the qualifying holding threshold;
3. the withdrawal of the authorisation to perform the function of a member of the insurance undertaking‘s management board.

Article 63
(Withdrawal of authorisation to perform the function of member of the management board)

(1) Agencija za zavarovalni nadzor odvzame dovoljenje za opravljanje funkcije člana uprave zavarovalnice, če:

1. je bilo dovoljenje pridobljeno z navajanjem neresničnih podatkov;
2. uprava zavarovalnice, katere član je, krši obveznosti iz 158. člena tega zakona, razen če član uprave zavarovalnice dokaže katerega od oprostilnih razlogov, navedenih v tretjem odstavku 61. člena tega zakona;

3. član uprave zavarovalnice huje krši druge obveznosti člana uprave, določene s predpisi ali pravili iz prvega odstavka 61. člena tega zakona;

4. je član uprave zavarovalnice pravnomočno obsojen zaradi kaznivega dejanja;
5. član uprave zavarovalnice ne izpolnjuje več pogojev iz prvega odstavka 57. člena tega zakona.

(2) Kršitev obveznosti iz 3. točke prvega odstavka tega člena ima značilnost hujše kršitve, če:
1. je zaradi te kršitve ogrožena likvidnost ali kapitalska ustreznost zavarovalnice ali
2. član uprave zavarovalnice stori kršitev enakih značilnosti že drugič v obdobju dveh let, pri čemer se ne zahteva, da bi bila prej storjena kršitev že pravnomočno ugotovljena.

64. člen
(pogojni odvzem dovoljenja za opravljanje funkcije člana uprave)

(1) Z odločbo o odvzemu dovoljenja za opravljanje funkcije člana uprave zavarovalnice lahko Agencija za zavarovalni nadzor hkrati izreče, da se odvzem ne bo izvršil, če član uprave zavarovalnice v preizkusnem obdobju, ki ga določi Agencija za zavarovalni nadzor in ki ne sme biti krajše od šestih mesecev in ne daljše od dveh let od dneva izdaje odločbe, ne bo storil nove kršitve, zaradi katere je mogoče odvzeti dovoljenje ali izreči opomin.

(1) The Insurance Supervision Agency shall withdraw the authorisation to perform the function of member of the insurance undertaking's management board if:
1. the authorisation was obtained by stating false information;
2. the insurance undertaking's management board of which the person is a member violates its obligations referred to in Article 158 of this Act, unless the member of the insurance undertaking's management board proves one of the following reasons for exclusion of liability stated in paragraph three of Article 61 of this Act;
3. the member of the insurance undertaking's management board seriously violates other duties of a member of the management board, as laid down by the regulations or rules referred to in paragraph one of Article 61 of this Act;
4. the member of the insurance undertaking's management board is convicted in a final judgment of a criminal offence;
5. the member of the insurance undertaking's management board no longer fulfils the conditions referred to in paragraph one of Article 57 of this Act.

(2) The violation of duties referred to in point 3 of paragraph one of this Article shall be deemed a serious violation if:
1. the violation threatens the insurance undertaking's liquidity or capital adequacy or
2. the member of the insurance undertaking's management board has committed a violation of the same nature for the second time in a period of two years, whereby it is not a requirement that the first violation has been finally determined.

Article 64
(Conditional withdrawal of authorisation to perform the function of member of the management board)

(1) Simultaneously with the decision to withdraw authorisation to perform the function of member of the insurance undertaking's management board, the Insurance Supervision Agency may decide not to withdraw the authorisation if the member of the insurance undertaking's management board will not commit another violation on the grounds of which it might be possible to withdraw authorisation or issue a warning within a trial period to be determined by the Insurance Supervision Agency

(2) Agencija za zavarovalni nadzor prekliče pogojni odvzem dovoljenja in dovoljenje odvzame, če član uprave zavarovalnice v preizkusnem obdobju stori novo kršitev, zaradi katere je mogoče odvzeti dovoljenje ali izreči opomin.

65. člen
(opomin)

Agencija za zavarovalni nadzor izreče članu uprave zavarovalnice opomin, če član uprave zavarovalnice krši obveznosti člana uprave, določene s predpisi ali pravili iz prvega odstavka 61. člena tega zakona, in ni pogojev za odvzem dovoljenja za opravljanje funkcije člana uprave.

2.6.3. Nadzorni svet zavarovalnice

66. člen
(člani nadzornega sveta zavarovalnice)

(1) Funkcije člana nadzornega sveta zavarovalnice ne more opravljati oseba, ki je v razmerju tesne povezanosti s pravno osebo, v kateri ima zavarovalnica več kot 5% delež glasovalnih pravic ali v kapitalu in ki nima položaja podrejene družbe znotraj skupine kot jo opredeljuje zakon, ki ureja finančne konglomerate.

(2) Ne glede na zakon, ki ureja gospodarske družbe, lahko oseba, ki opravlja funkcijo člana nadzornega sveta, ali drugega organa nadzora samo v zavarovalnicah in drugih družbah, ki so vključene v skupino kot jo opredeljuje zakon, ki ureja finančne konglomerate, to funkcijo opravlja:
1. če jo opravlja v okviru redne zaposlitve v članici te skupine in za

and lasting not less than six months and not more than two years from the date of the decision.

(2) The Insurance Supervision Agency shall revoke the conditional withdrawal of authorisation and withdraw the authorisation if the member of the insurance undertaking's management board commits a new violation during the trial period due to which it is possible to withdraw the authorisation or to issue a warning.

Article 65
(Warning)

The Insurance Supervision Agency shall issue a warning to a member of the insurance undertaking's management board if the member of the insurance undertaking's management board violates the duties of a member of the management board provided by the regulations or rules referred to in paragraph one of Article 61 of this Act and if there are no grounds for withdrawal of the authorisation to perform the function of management board member.

2.6.3. The insurance undertaking's supervisory board

Article 66
(Members of insurance undertaking's supervisory board)

(1) The function of member of an insurance undertaking's supervisory board may not be performed by a person who is closely linked to a legal person in which the insurance undertaking has more than a 5% share of the voting rights or capital, and which is not a subsidiary undertaking within the group, as defined by the Act governing financial conglomerates.

(2) Notwithstanding the Act governing companies, a person that performs the function of member of a supervisory board or another supervisory authority only in insurance undertakings and other undertakings within that group, as defined by the Act governing financial conglomerates, may perform this function:
1. provided that they perform it within their regular employment with a

opravljanje te funkcije, razen rednih prejemkov na podlagi zaposlitve, ne prejema posebnega plačila: v neomejenem številu nadzornih svetov zavarovalnic in drugih družb, vključenih v to skupino,

2. v drugih primerih: v skupno sedmih nadzornih svetih zavarovalnic in drugih družb, vključenih v to skupino.

(3) Nadzorni svet zavarovalnice je sestavljen tako, da je zagotovljena ustrezna raznolikost kvalifikacij, znanja in izkušenj za profesionalno nadzorovanje zavarovalnice.

67. člen
(pogoji za opravljanje funkcije člana nadzornega sveta zavarovalnice)

(1) Za člana nadzornega sveta zavarovalnice je lahko imenovana le oseba, ki izpolnjuje naslednje pogoje:
1. je ustrezno strokovno usposobljena in ima lastnosti in izkušnje, potrebne za nadzor nad vodenjem poslov zavarovalnice;

2. ni bila pravnomočno obsojena zaradi kaznivega dejanja;
3. nad njo ni bil začet postopek osebnega stečaja in

4. je oseba dobrega ugleda in integritete.

(2) Šteje se, če se ne dokaže drugače, da je pogoj iz 1. točke prvega odstavka tega člena izpolnjen, če ima oseba najmanj petletne izkušnje vodenja ali nadzora nad vodenjem poslov družbe primerljive velikosti in dejavnosti kot zavarovalnica oziroma drugih primerljivih poslov.

(3) Agencija za zavarovalni nadzor zahteva od uprave zavarovalnice, da skliče skupščino zavarovalnice in predlaga razrešitev člana nadzornega sveta zavarovalnice, če:

1. član nadzornega sveta krši dolžnosti člana nadzornega sveta;

member of the group and provided that, in addition to their regular employment-related earnings, they receive no specific remuneration: they may perform this function in an unlimited number of supervisory boards of insurance undertakings and other undertakings included in this group,
2. in other cases: in a total of seven supervisory boards of insurance undertakings and other undertakings which are members of this group.

(3) The supervisory board of an insurance undertaking shall be composed in a manner that provides a suitable diversity of qualifications, knowledge and experience for the professional supervision of the insurance undertaking.

Article 67
(Conditions for performing the function of insurance undertaking supervisory board member)

(1) A person may be appointed as an insurance undertaking's supervisory board member, if they fulfil the following conditions:
1. has appropriate professional competence and has the characteristics and experience necessary for supervising the management of the business of an insurance undertaking;
2. has not been finally convicted of a criminal act;
3. has not been the subject of the institution of personal bankruptcy proceedings and
4. is a person of good reputation and integrity.

(2) In the absence of proof to the contrary, it shall be deemed that the condition referred to in point 1 of paragraph one of this Article is fulfilled if the person has at least five years' experience in managing or supervising the business of an undertaking of a size and activity comparable to an insurance undertaking or other comparable business.

(3) The Insurance Supervision Agency shall request the insurance undertaking’s management board to convene the general meeting of the insurance undertaking and propose the dismissal of a member of the insurance undertaking’s supervisory board if:
1. the member of the supervisory board violates the duties of a supervisory board member;

2. z imenovanjem člana nadzornega sveta zavarovalnice v nadzornem svetu zavarovalnice ni zagotovljena ustrezna raznolikost kvalifikacij, znanja in izkušenj za profesionalno nadzorovanje zavarovalnice.

(4) Agencija za zavarovalni nadzor članu nadzornega sveta zavarovalnice z odločbo prepove opravljati funkcijo, če član nadzornega sveta ob imenovanju ali po nastopu funkcije ne izpolnjuje pogojev iz 66. člena tega zakona ter prvega in drugega odstavka 67. člena tega zakona.

(5) Za odločbo o prepovedi opravljanja funkcije člana nadzornega sveta zavarovalnice se smiselno uporabljajo določbe 10.3.3. pododdelka tega zakona o postopku za odvzem dovoljenja. Pravnomočno odločbo o prepovedi opravljanja funkcije člana nadzornega sveta zavarovalnice Agencija za zavarovalni nadzor vroči tudi zavarovalnici.

68. člen
(pristojnosti nadzornega sveta zavarovalnice)

Poleg pristojnosti, ki jih ima nadzorni svet v skladu z zakonom, ki ureja gospodarske družbe, ima nadzorni svet zavarovalnice tudi naslednje pristojnosti:

1. daje soglasje upravi k poslovni strategiji zavarovalnice;
2. daje soglasje upravi k finančnemu načrtu zavarovalnice;
3. daje soglasje upravi k pisnim pravilom sistema upravljanja iz drugega odstavka 50. člena tega zakona;
4. daje soglasje upravi k letnemu načrtu dela notranje revizije;
5. odloča o drugih zadevah, določenih s tem zakonom.

69. člen

2. the appointment of a member of the supervisory board of the insurance undertaking does not ensure suitably diverse qualifications, knowledge and experience for the professional supervision of the insurance undertaking.

(4) The Insurance Supervision Agency shall issue a decision prohibiting a supervisory board member of an insurance undertaking from performing a function if, at the time of the appointment or following the appointment, that member of the supervisory board fails to meet the conditions referred to in Article 66 of this Act and paragraphs one and two of Article 67 of this Act.

(5) The provisions of Subsection 10.3.3. of this Act relating to the decision on the withdrawal of authorisation shall apply, *mutatis mutandis*, to the decision prohibiting the performance of the function of a supervisory board member of an insurance undertaking. The Insurance Supervision Agency shall also serve the final decision prohibiting the performance of the function of a supervisory board member of an insurance undertaking to the insurance undertaking.

Article 68
(Competences of insurance undertaking's supervisory board)

In addition to the competences of the supervisory board in accordance with the Act governing companies, the insurance undertaking's supervisory board shall also have the following competences:

1. granting of consent to the management board with regard to defining the insurance undertaking's business strategy;
2. granting of consent to the management board with regard to defining an insurance undertaking's financial plan;
3. granting of consent to the management board with regard to the written governance system rules referred to in paragraph two of Article 50 of this Act;
4. granting of consent to the management board with regard to the annual internal audit work plan;
5. decide on other matters determined by this Act.

Article 69

(dolžnosti članov nadzornega sveta zavarovalnice)

(1) Člani nadzornega sveta zavarovalnice:

1. nadzirajo primernost postopkov in učinkovitost delovanja notranje revizije;
2. obravnavajo ugotovitve Agencije za zavarovalni nadzor, davčne inšpekcije in drugih nadzornih organov v postopkih nadzora nad zavarovalnico;
3. preverjajo letna in druga finančna poročila in o tem izdelajo pisno poročilo skupščini delničarjev zavarovalnice;
4. obrazložijo skupščini delničarjev svoje mnenje k letnemu poročilu notranje revizije in mnenje k letnemu poročilu zavarovalnice.

(2) Člani nadzornega sveta zavarovalnice solidarno odgovarjajo zavarovalnici za škodo, ki je nastala kot posledica kršitve njihovih nalog, razen če dokažejo, da so pošteno in vestno izpolnjevali svoje dolžnosti.

(3) Posamezen član nadzornega sveta je prost odškodninske odgovornosti za škodo iz drugega odstavka tega člena, če dokaže enega od naslednjih oprostilnih razlogov:

1. da dejanj, določenih v prvem odstavku tega člena, ni mogel opraviti samostojno in:
   - je na seji nadzornega sveta predlagal, da se opravijo, a so drugi člani nadzornega sveta temu nasprotovali, ali
   - član nadzornega sveta, ki je bil v notranjem razmerju med člani nadzornega sveta odgovoren za področje poslovanje zavarovalnice, na katerem je podana kršitev, iz katere izhaja škoda, ni pravočasno pripravil ustreznih strokovnih podlag, ali
2. da za kršitev prvega odstavka tega člena kljub potrebni profesionalni skrbnosti ni mogel vedeti ali je ni mogel preprečiti.

(4) Član nadzornega sveta zavarovalnice Agencijo za zavarovalni nadzor obvesti nemudoma:

(Duties of insurance undertaking's supervisory board)

(1) Members of an insurance undertaking's supervisory board shall:

1. supervise the adequacy of procedures and effectiveness of internal audit operations;
2. consider the findings of the Insurance Supervision Agency, tax investigation and other supervisory authorities in their procedures of insurance undertaking supervision;
3. verify annual and other financial reports, and formulate a written report thereon for the insurance undertaking's general meeting of shareholders;
4. explain to the general meeting of shareholders their opinion on the annual report of the internal audit and on the annual report of the insurance undertaking.

(2) Members of the insurance undertaking's supervisory board shall be jointly and severally liable to the insurance undertaking for damage incurred as a result of the violation of their duties unless they prove that they acted with due professional care in the exercise of their supervisory duties.

(3) An individual member of the insurance undertaking's supervisory board shall not be liable for damages referred to in paragraph two of this Article, if they prove one of the following reasons for exclusion of liability:

1. that actions referred to in paragraph one of this Article could not have been performed individually and:
   - they proposed at a meeting of the supervisory board the performance of such actions, but the other members of the supervisory board were against the proposal, or
   - the member of the insurance undertaking's supervisory board who was internally responsible for the area of business of the insurance undertaking where the violation resulted in damages, failed to prepare appropriate expert groundwork, or
2. that the violation of paragraph one of this Article could not have been known about, or prevented by the member, irrespective of due professional diligence.

(4) A member of the insurance undertaking's supervisory board shall forthwith notify the Insurance Supervision Agency:

1. da je bil imenovan ali da mu je prenehala funkcija v organih vodenja ali nadzora drugih pravnih oseb;

2. o pravnih poslih, na podlagi katerih je posredno ali neposredno, sam ali njegov ožji družinski član pridobil delnice oziroma poslovne deleže pravne osebe, na podlagi katerih skupaj s svojimi ožjimi družinskimi člani v tej pravni osebi doseže ali preseže kvalificirani delež oziroma se njihov delež zmanjša pod mejo kvalificiranega deleža.

70. člen
(revizijska komisija)

Nadzorni svet zavarovalnice imenuje revizijsko komisijo.

2.7. *Redna likvidacija zavarovalnice*

71. člen
(sklep skupščine o likvidaciji zavarovalnice)

(1) Skupščina zavarovalnice lahko sprejme sklep o prenehanju zavarovalnice in začetku likvidacijskega postopka (v nadaljnjem besedilu: sklep o likvidaciji).

(2) Skupščina zavarovalnice, ki ima podružnico v drugi državi članici, lahko sprejme sklep iz prejšnjega odstavka šele po pridobitvi mnenja Agencije za zavarovalni nadzor.

(3) Agencija za zavarovalni nadzor v mnenju iz drugega odstavka tega člena oceni ustreznost jamstev za zavarovanje terjatev upnikov zavarovalnice. Agencija za zavarovalni nadzor izda mnenje v roku 30 dni po prejemu zahteve za izdajo mnenja. Če Agencija za zavarovalni nadzor mnenja ne izda v roku 30 dni, lahko skupščina zavarovalnice takoj po izteku tega roka sprejme sklep o likvidaciji.

1. that they have been appointed or that their function in the management or supervisory bodies of other legal persons has been terminated;
2. about legal transactions through which they or their close family member directly or indirectly have acquired shares or holdings in a legal person on the basis of which they, together with their close family members, achieve or exceed a qualifying holding in such a legal person, or their holding declines below the qualifying holding threshold.

Article 70
(Audit committee)

The insurance undertaking's supervisory board shall appoint an audit committee.

2.7. *Regular liquidation of an insurance undertaking*

Article 71
(Resolution of general meeting on liquidation of an insurance undertaking)

(1) An insurance undertaking’s general meeting may adopt a resolution to wind up the insurance undertaking and commence liquidation proceedings (hereinafter: resolution to liquidate).

(2) The general meeting of an insurance undertaking with a branch in another Member State may adopt the resolution referred to in the preceding paragraph only after obtaining the opinion of the Insurance Supervision Agency.

(3) In its opinion referred to in paragraph two of this Article, the Insurance Supervision Agency shall evaluate the appropriateness of guarantees for securing claims of the insurance undertaking’s creditors. The Insurance Supervision Agency shall issue its opinion within 30 days of receipt of the request for an opinion. If the Insurance Supervision Agency does not issue its opinion within 30 days, the insurance undertaking’s general meeting may, after the expiry of the deadline, adopt

(4) Za likvidacijo zavarovalnice na podlagi sklepa o likvidaciji se uporabljajo določbe zakona, ki ureja gospodarske družbe, o likvidaciji delniške družbe na podlagi sklepa skupščine, če ni v 2.7. oddelku tega zakona drugače določeno. V primeru družbe za vzajemno zavarovanje se določbe zakona, ki ureja gospodarske družbe, uporabljajo smiselno.

(5) Za likvidacijo zavarovalnice, ki ima podružnico v drugi državi članici, se smiselno uporabljajo tudi drugi odstavek 329. člena in 335. do 339. člen tega zakona, če ni v šestem odstavku tega člena določeno drugače.

(6) Likvidacijski upravitelj objavi sklep o likvidaciji v obliki povzetka v Uradnem listu EU in dveh dnevnih časopisih, ki izhajata na celotnem območju države članice, v kateri ima zavarovalnica podružnico.

72. člen
(likvidacijski upravitelj zavarovalnice)

(1) Za likvidacijskega upravitelja zavarovalnice je lahko imenovana le fizična oseba, ki ima dovoljenje Agencije za zavarovalni nadzor za opravljanje funkcije člana uprave v tej zavarovalnici.

(2) Ne glede na prvi odstavek tega člena je lahko za likvidacijskega upravitelja zavarovalnice imenovana oseba, ki nima dovoljenja Agencije za zavarovalni nadzor za opravljanje funkcije člana uprave v tej zavarovalnici, če pred nastopom funkcije pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje funkcije likvidacijskega upravitelja zavarovalnice.

(3) Za dovoljenje za opravljanje funkcije likvidacijskega upravitelja zavarovalnice iz drugega odstavka tega člena se smiselno uporabljajo določbe tega zakona o dovoljenju za opravljanje funkcije člana uprave zavarovalnice. Dovoljenje za opravljanje funkcije likvidacijskega upravitelja zavarovalnice velja samo za likvidacijo tiste zavarovalnice, v

the resolution to liquidate.

(4) The provisions of the Act governing companies on the liquidation of a public limited company based on the resolution of the general meeting shall apply to the liquidation of an insurance undertaking based on the resolution to liquidate, unless otherwise provided in Section 2.7 of this Act. The provisions of the Act governing companies shall apply *mutatis mutandis* to a mutual insurance company.

(5) Paragraph two of Article 329, and Articles 335 to 339 of this Act shall apply, *mutatis mutandis*, to the liquidation of an insurance undertaking having a branch in another Member State, unless otherwise provided by paragraph six of this Article.

(6) The resolution to liquidate shall be published by the liquidator in the form of a summary in the Official Journal of the European Union and in two daily newspapers circulated in the entire territory of the Member State in which the insurance undertaking has the branch.

Article 72
(Insurance undertaking's liquidator)

(1) Only a natural person having the authorisation to perform the function of a member of the insurance undertaking’s management board from the Insurance Supervision Agency may be appointed as the insurance undertaking's liquidator.

(2) Notwithstanding paragraph one of this Article, a person who does not have the authorisation to perform the function of a member of the insurance undertaking’s management board from the Insurance Supervision Agency may be appointed as a liquidator of an insurance undertaking if, before taking up the function, the person obtains the authorisation to perform the function of the insurance undertaking's liquidator from the Insurance Supervision Agency.

(3) The provisions of this Act on the authorisation to perform the function of a member of the insurance undertaking's management board shall apply, *mutatis mutandis*, to the authorisation to perform the function of the insurance undertaking's liquidator referred to in paragraph two of this Article. The authorisation to perform the function of the insurance

zvezi s katero je bilo pridobljeno.

73. člen
(omejitev dovoljenja za opravljanje zavarovalnih poslov)

(1) Uprava zavarovalnice obvesti Agencijo za zavarovalni nadzor o sklepu o likvidaciji naslednji delovni dan po sprejemu sklepa.

(2) Agencija za zavarovalni nadzor na podlagi obvestila iz prvega odstavka tega člena izda odločbo, s katero:

1. omeji veljavnost dovoljenja za opravljanje zavarovalnih poslov na posle, ki so potrebni za izvedbo likvidacije zavarovalnice;

2. določi, v kolikšnem obsegu se za zavarovalnico v likvidaciji uporabljajo pravila tega zakona in predpisov, izdanih na njegovi podlagi.

(3) Po vročitvi odločbe iz drugega odstavka tega člena lahko zavarovalnica opravlja samo še tiste posle, ki so določeni s to odločbo, in druge posle, ki so potrebni za izvedbo likvidacije.

(4) Če Agencija za zavarovalni nadzor izda odločbo iz drugega odstavka tega člena zavarovalnici, ki ima podružnico v državi članici, še pred izdajo odločbe obvesti nadzorni organ te države članice. V obvestilu navede tudi pravne posledice in dejanske učinke izdane odločbe.

(5) Če zaradi zaščite interesov strank zavarovalnice oziroma zaradi drugih javnih koristi z izdajo odločbe iz četrtega odstavka tega člena ni mogoče odlašati, Agencija za zavarovalni nadzor obvesti nadzorni organ države članice takoj po izdaji odločbe.

74. člen
(ponovna pridobitev dovoljenja za opravljanje zavarovalnih poslov)

undertaking's liquidator shall apply only to the liquidation of the insurance undertaking for which the authorisation has been obtained.

Article 73
(Restriction of authorisation to conduct insurance business)

(1) The insurance undertaking's management board shall notify the Insurance Supervision Agency of the resolution to liquidate on the next business day following adoption of the resolution.

(2) On the basis of the notification referred to in paragraph one of this Article, the Insurance Supervision Agency shall issue a decision:

1. restricting the validity of the authorisation to conduct insurance business to business necessary to perform the liquidation of the insurance undertaking;
2. determining to what extent the rules of this Act and regulations based on it shall apply to the insurance undertaking in liquidation.

(3) After service of the decision referred to in paragraph two of this Article, the insurance undertaking may perform only such business as laid down by this decision as well as other business that is necessary to perform the liquidation.

(4) If the Insurance Supervision Agency issues a decision referred to in paragraph two of this Article to an insurance undertaking having a branch in a Member State, it shall notify the Member State’s supervisory authority prior to the issuance of such decision. The notification shall also contain the legal consequences and actual effects of the issued decision.

(5) If the issuing of the decision referred to in paragraph four of this Article cannot be delayed due to the protection of interests of the insurance undertaking's clients or other public interests, the Insurance Supervision Agency shall notify the supervisory authority of a Member State thereof immediately after the issue of the decision.

Article 74
(Reacquiring authorisation to conduct insurance business)

(1) Če skupščina zavarovalnice odloči, da zavarovalnica deluje dalje, lahko zavarovalnica ponovno začne opravljati zavarovalne posle samo, če ponovno pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje zavarovalnih poslov.

(2) Predlogu za vpis sklepa iz prvega odstavka tega člena v sodni register je treba priložiti novo dovoljenje Agencije za zavarovalni nadzor za opravljanje zavarovalnih poslov.

75. člen
(prenehanje opravljanja zavarovalnih poslov zaradi spremembe dejavnosti zavarovalnice)

(1) Določbe 2.7. oddelka tega zakona se smiselno uporabljajo tudi, če skupščina zavarovalnice sprejme sklep, s katerim se dejavnost zavarovalnice spremeni tako, da zavarovalnica ne opravlja več zavarovalnih poslov.

(2) Pri smiselni uporabi se namesto:
1. »sklep o likvidaciji« uporabi »sklep o spremembi dejavnosti«;

2. »posli, ki so potrebni za izvedbo likvidacije« uporabi »posli, ki so potrebni za izpolnitev obveznosti iz že sklenjenih zavarovalnih poslov«.

2.8. *Družba za vzajemno zavarovanje*

2.8.1. Splošne določbe

76. člen
(pojem)

(1) Družba za vzajemno zavarovanje je pravna oseba, ki opravlja zavarovalne posle za svoje člane po načelu vzajemnosti in je za opravljanje teh poslov pridobila dovoljenje Agencije za zavarovalni

(1) If the insurance undertaking's general meeting decides that the insurance undertaking continues to operate, the insurance undertaking may resume its business, provided that it obtains authorisation once again from the Insurance Supervision Agency to conduct insurance business.

(2) The proposal to enter the resolution referred to in paragraph one of this Article in the court register shall be accompanied by a new authorisation to conduct insurance business issued by the Insurance Supervision Agency.

Article 75
(Termination of insurance business due to modification of insurance undertaking’s activity)

(1) The provisions of Section 2.7. of this Act shall also apply, *mutatis mutandis*, when the insurance undertaking’s general meeting adopts a resolution to change the insurance undertaking’s activity in such a way that the insurance undertaking no longer conducts insurance business.

(2) In the *mutatis mutandis* application:
1. "a decision modifying the activity" shall be used instead of "the resolution to liquidate";
2. "business necessary for meeting the obligations from already concluded insurance business" shall be used instead of "business required to perform the liquidation".

2.8. *Mutual insurance company*

2.8.1. General Provisions

Article 76
(Term)

(1) A mutual insurance company shall be a legal person that conducts insurance business for its members according to the mutuality principle and that has obtained authorisation to conduct this business from

nadzor.

(2) Družba za vzajemno zavarovanje lahko v skladu z drugim odstavkom 81. člena tega zakona opravlja zavarovalne posle tudi za nečlane, če tako določa statut ali drugi akt družbe.

77. člen
(firma)

Firma družbe za vzajemno zavarovanje vsebuje označbo, da gre za družbo za vzajemno zavarovanje (»d.v.z.«).

2.8.2. Ustanovitev družbe za vzajemno zavarovanje

78. člen
(ustanovitev)

Družba za vzajemno zavarovanje se ustanovi tako, da ustanovitelji sprejmejo in podpišejo statut in vplačajo ustanovni kapital.

79. člen
(statut)

(1) Statut družbe za vzajemno zavarovanje je izdelan v obliki notarskega zapisa.

(2) Statut družbe za vzajemno zavarovanje določa:

3. firmo in sedež družbe;
4. vrste zavarovalnih poslov, ki jih bo družba za vzajemno zavarovanje opravljala;
5. obliko in način objav, pomembnih za družbo oziroma za člane;

6. začetek in prenehanje članstva;
7. ali družba opravlja zavarovalne posle tudi za nečlane;

the Insurance Supervision Agency.

(2) A mutual insurance company may also conduct insurance business for non-members in accordance with paragraph two of Article 81 of this Act if so provided by the articles of association or another act of the undertaking.

Article 77
(Corporate name)

The corporate name of a mutual insurance company shall include a designation that denotes it is a mutual insurance company ("d.v.z.").

2.8.2. Establishment of a mutual insurance company

Article 78
(Establishment)

A mutual insurance company shall be established by the founders adopting and signing the articles of association and paying the initial capital.

Article 79
(Articles of association)

(1) The articles of association of a mutual insurance company shall be in the form of a notarial deed.

(2) The articles of association of a mutual insurance company shall lay down:

1. the corporate name and head office of the company;
2. the types of insurance business that the mutual insurance company will conduct;
3. the form and method of published information that are relevant to the company or its members;
4. the start and termination of membership;
5. whether the company also conducts business for non-members;

8. višino ustanovnega kapitala ter pogoje in način vračila sredstev, vplačanih za oblikovanje ustanovnega kapitala;
9. pogoje in način vplačila sredstev članov ter izplačila sredstev članom;

10. višino ter način oblikovanja varnostnih rezerv;
11. merila za delitev dobička;
12. pogoje in način uporabe dobička oziroma kritja izgub;
13. ali posluje po načelu naknadnih vplačil oziroma znižanja obveznosti zavarovalnice iz zavarovalne pogodbe;

14. sistem upravljanja (enotirni ali dvotirni);
15. število članov organov vodenja ali nadzora;
16. mandatno dobo članov organa vodenja ali nadzora;

17. ali je skupščina družbe organizirana kot skupščina članov ali kot skupščina zastopnikov;

18. če je skupščina organizirana kot skupščina zastopnikov, ureditev volitev v skupščino zastopnikov;

19. najmanjše število članov skupščine, ki lahko uresničujejo manjšinske pravice;
20. način prenehanja družbe;
21. pravila in postopke v zvezi s prispevki članov, premijami članov in nečlanov ter z izvedbo naknadnih vplačil.

(3) Druga vprašanja, ki so pomembna za družbo za vzajemno zavarovanje in niso urejena s statutom, se lahko v skladu s tem zakonom uredijo v drugih aktih družbe.

(4) Agencija za zavarovalni nadzor družbi za vzajemno zavarovanje zavrne zahtevo za izdajo dovoljenja za opravljanje zavarovalnih poslov tudi, če so ali bi bili zaradi določb statuta lahko ogroženi interesi članov.

(5) Družba za vzajemno zavarovanje ob sklenitvi zavarovalne pogodbe, ki je temelj za pridobitev članstva v družbi, članu omogoči vpogled v veljavni statut v pisni ali elektronski obliki ter mu omogoči vpogled v nadaljnje spremembe statuta.

6. the amount of initial capital, and the conditions and method of refunding funds that were paid in as initial capital;
7. the conditions and method for payment of funds by members, as well as the payment of funds to members;
8. the amount and method of creating contingency reserves;
9. the criteria for profit sharing;
10. the conditions and method of use of profits or loss coverage;
11. if the company conducts its business according to the principle of subsequent payments or the reduction of the obligations of the insurance undertaking from the insurance contract;
12. governance system (one-tier or two-tier);
13. the number of members of management or supervisory bodies;
14. the duration of the term of office of the members of management or supervisory bodies;
15. whether the general meeting of the company is constituted as a general meeting of members or as a general meeting of representatives;
16. if the general meeting is constituted as a general meeting of representatives, the voting arrangement for the general meeting of representatives;
17. the lowest number of members of the general meeting required to exercise minority rights;
18. the method of winding up the company;
19. the rules and procedures on the contributions of members, premiums of members and non-members, and the implementation of subsequent payments.

(3) Other matters which are relevant for the mutual insurance company that are not regulated by the articles of association may, pursuant to this Act, be regulated by other acts of the company.

(4) The Insurance Supervision Agency shall dismiss an application for authorisation to conduct insurance business from a mutual insurance company if the provisions of the articles of association represent or could possibly represent a risk to the interests of members.

(5) The mutual insurance company shall, upon the conclusion of the insurance contract which is the basis for membership in the company, allow the member access to the valid articles of association in written or electronic form, and to any further amendments to the articles of association.

80. člen
(vpis v sodni register)

(1) Družba za vzajemno zavarovanje pridobi lastnost pravne osebe z vpisom v sodni register.

(2) Pri družbi za vzajemno zavarovanje se v sodni register vpišejo podatki, ki se v sodni register vpišejo, kadar je subjekt vpisa delniška družba, razen podatkov o številu delnic ter o ustanoviteljih, delničarjih ali članih družbe.

2.8.3. Razmerja med družbo za vzajemno zavarovanje in člani

81. člen
(članstvo v družbi za vzajemno zavarovanje)

(1) Članstvo v družbi za vzajemno zavarovanje je vezano na obstoj zavarovalne pogodbe z družbo.

(2) Družba za vzajemno zavarovanje lahko sklepa zavarovalne pogodbe tudi tako, da s sklenitvijo zavarovalne pogodbe zavarovalec ne pridobi položaja člana družbe za vzajemno zavarovanje, in sicer če je zavarovalna pogodba sklenjena za čas, ki je krajši od enega leta.

(3) S sklenitvijo zavarovalne pogodbe dopolnilnega zdravstvenega zavarovanja zavarovalec, ki ni hkrati zavarovanec, ne pridobi položaja člana družbe, temveč postane član družbe zavarovanec.

82. člen
(pravice, obveznosti in odgovornosti članov)

(1) Člani ne odgovarjajo za obveznosti družbe za vzajemno zavarovanje.

(2) Član ne more pobotati plačil prispevkov, naknadnih vplačil

Article 80
(Entry in the court register)

(1) A mutual insurance company shall acquire legal personality upon its entry in the court register.

(2) With regard to mutual insurance companies, the information entered in the court register shall be the information as entered in the court register when a public limited company is the subject of the entry, other than information regarding the number of shares and the founders, shareholders or members of the company.

2.8.3. Relationships between a mutual insurance company and its members

Article 81
(Mutual insurance company’s membership)

(1) Membership of a mutual insurance company shall be related to the existence of an insurance contract concluded with the company.

(2) A mutual insurance company may also enter into insurance contracts whereby in entering into the insurance contract, the policyholder shall not obtain the status of a member of the mutual insurance company, if the contract is concluded for less than one year.

(3) On the conclusion of a supplementary health insurance contract, the policyholder that is not also the insured person shall not become a member of the company, but the insured person does.

Article 82
(Rights, obligations and responsibilities of members)

(1) Members shall not be responsible for the mutual insurance company's obligations.

(2) A member may not offset the payment of contributions,

in drugih obveznosti do družbe za vzajemno zavarovanje s svojo terjatvijo do družbe za vzajemno zavarovanje.

(3) Prispevki in naknadna vplačila članov, kakor tudi obveznosti družbe za vzajemno zavarovanje v razmerju do članov, se lahko določijo ob enakih predpostavkah samo z uporabo enakih meril.

2.8.4. Lastni viri sredstev družbe za vzajemno zavarovanje

83. člen
(ustanovni kapital)

(1) Ob ustanovitvi družbe za vzajemno zavarovanje je treba oblikovati ustanovni kapital, ki je namenjen kritju stroškov ustanovitve ter kritju organizacijskih in drugih stroškov, povezanih z začetkom poslovanja. Če statut ne določa drugače, se ustanovni kapital lahko uporabi tudi za oblikovanje varnostnih rezerv.

(2) Najnižji ustanovni kapital družbe za vzajemno zavarovanje je enak višini zahtevanega minimalnega kapitala (absolutni prag) iz drugega odstavka 233. člena tega zakona.

(3) Kadar družba za vzajemno zavarovanje po ustanovitvi zahteva izdajo dovoljenja za opravljanje zavarovalnih poslov v dodatnih zavarovalnih vrstah ali za opravljanje pozavarovalnih poslov, Agencija za zavarovalni nadzor kot pogoj za izdajo dovoljenja zahteva ustrezno zvišanje ustanovnega kapitala, če kritja stroškov, povezanih z začetkom poslovanja v drugih zavarovalnih vrstah ali z začetkom opravljanja pozavarovalnih poslov, ni mogoče zagotoviti na drugačen način.

84. člen
(sredstva na računih članov družbe za vzajemno zavarovanje)

(1) Sredstva na računih članov družbe za vzajemno zavarovanje se upoštevajo kot osnovni lastni viri sredstev družbe za

subsequent payments and other obligations to the mutual insurance company against their claim towards the mutual insurance company.

(3) Contributions and subsequent payments of members, as well as obligations of the mutual insurance company related to its members, may only be determined using equal assumptions by applying the same criteria.

2.8.4. Own funds of the mutual insurance company

Article 83
(Initial capital)

(1) At the time of establishment of a mutual insurance company, the initial capital intended to cover the establishment costs, and organisational costs and other costs relating to the start-up of the business, must be formed. Unless otherwise provided in the articles of association, the initial capital may also be used to form contingency reserves.

(2) The minimum initial capital of a mutual insurance company shall be equal to the minimum capital requirement (absolute threshold) referred to in paragraph two of Article 233 of this Act.

(3) In cases where a mutual insurance company, upon its establishment, requests authorisation to conduct insurance business in additional insurance classes or to conduct reinsurance business, the Insurance Supervision Agency, as a condition for issuing the authorisation, shall require an appropriate increase in the initial capital, if the costs relating to the commencement of business in other insurance classes or the commencement of reinsurance business cannot be covered otherwise.

Article 84
(Funds in accounts of members of a mutual insurance company)

(1) Funds in accounts of members of a mutual insurance company shall be considered basic own funds of the company.

vzajemno zavarovanje.

(2) Razvrstitev sredstev na računih članov družbe za vzajemno zavarovanje v razrede se izvede v skladu s 197. členom tega zakona.

(2) The classification of funds in the accounts of members of a mutual insurance company shall be carried out pursuant to Article 197 of this Act.

85. člen
(vplačilo in vračilo ustanovnega kapitala)

(1) Družba za vzajemno zavarovanje lahko začne poslovati šele, ko so v celoti in v denarju vplačana sredstva v višini ustanovnega kapitala.

(2) Sredstva, vplačana za oblikovanje ustanovnega kapitala, se lahko vračajo samo iz dobička posameznega poslovnega leta, če se z vračilom ne znižajo osnovni lastni viri sredstev družbe za vzajemno zavarovanje tako, da pride do kršitve izpolnjevanja zahtevanega solventnostnega kapitala ali zahtevanega minimalnega kapitala.

(3) Statut družbe za vzajemno zavarovanje lahko določa, da imajo osebe, ki so zagotovile sredstva za oblikovanje ustanovnega kapitala, pravico sodelovati pri upravljanju družbe za vzajemno zavarovanje oziroma da imajo pravico do izplačila obresti iz letnih prejemkov in do udeležbe pri dobičku, ugotovljenem v letnem poročilu. Izplačila obresti oziroma udeležba pri dobičku je mogoča samo, če so izpolnjeni pogoji iz prejšnjega odstavka.

Article 85
(Payment and repayment of initial capital)

(1) A mutual insurance company may commence business only when funds have been fully paid in the amount of the initial capital in cash.

(2) Funds paid in to form the initial capital, can only be repaid from the profit of each individual business year, if the repayment does not reduce the basic own funds of the mutual insurance company in a way which would result in violating the fulfilment of the solvency capital requirement or the minimum capital requirement.

(3) The articles of association of a mutual insurance company may lay down that persons that provided funds for the formation of the initial capital have the right to participate in the management of a mutual insurance company or have the right to receive interest on annual receipts and to participate in the profit disclosed in the annual report. The receipt of interest or the participation in profit are conditional upon the fulfilment of conditions in the preceding paragraph.

86. člen
(premije, naknadna vplačila oziroma znižanje obveznosti)

(1) Sredstva, potrebna za poslovanje družbe za vzajemno zavarovanje v posameznem letu, se krijejo iz premij, ki so lahko vnaprej določene in nespremenljive, ali iz premij, za katere splošni pogoji in statut določajo možnost naknadnih vplačil oziroma znižanja obveznosti zavarovalnice iz zavarovalne pogodbe.

(2) V primeru, ko družba za vzajemno zavarovanje sklepa zavarovanja z možnostjo naknadnih vplačil oziroma znižanja obveznosti

Article 86
(Premiums, subsequent payments or reduction of liabilities)

(1) Funds needed for a mutual insurance company's business in an individual year shall be covered by premiums which may be predetermined and fixed or by premiums for which the general terms and conditions and the articles of association lay down the possibility of subsequent payments or the reduction of the liabilities of the insurance undertaking under the insurance contract.

(2) If a mutual insurance company concludes insurance with the possibility of subsequent payments or the reduction of the liabilities of the

zavarovalnice iz zavarovalne pogodbe, splošni pogoji in statut določajo, kako družba za vzajemno zavarovanje določi višino naknadnih vplačil oziroma za koliko bo družba za vzajemno zavarovanje znižala obveznosti zavarovalnice iz zavarovalne pogodbe za nadomestitev izgube oziroma zaradi neugodnih poslovnih nihanj.

(3) Če splošni pogoji in statut določajo obveznost naknadnih vplačil, vplačajo naknadna vplačila tudi osebe, ki so postale člani med letom, oziroma osebe, katerih članstvo je v tem letu prenehalo, in sicer v sorazmerju z obdobjem članstva v tem letu. Če se med poslovnim letom spremenijo prispevki, premije, ali zavarovalne vsote, ki so podlaga za določitev višine naknadnih vplačil, se naknadna vplačila merijo na podlagi višje osnove.

(4) Splošni pogoji in statut določajo naknadna vplačila ali znižanje obveznosti zavarovalnice iz zavarovalne pogodbe ločeno najmanj po zavarovanjih iz posameznih zavarovalnih vrst.

87. člen
(varnostne rezerve)

(1) Statut družbe za vzajemno zavarovanje določa način oblikovanja varnostnih rezerv, ki se uporabljajo za kritje izgub iz poslovanja, vključno z najnižjo višino, ki jo dosegajo varnostne rezerve družbe za vzajemno zavarovanje.

(2) Varnostne rezerve se oblikujejo iz čistega dobička poslovnega leta, lahko pa tudi iz bilančnega dobička, če tako sklene skupščina.

88. člen
(podrejeni dolžniški instrumenti)

Družba za vzajemno zavarovanje lahko na podlagi soglasja skupščine zbira osnovne lastne vire sredstev z izdajo podrejenih

insurance undertaking under the insurance contract, the general terms and conditions and the articles of association shall lay down the method for the mutual insurance company in determining the amount of subsequent payments or the amount by which the mutual insurance shall reduce the liabilities of the insurance undertaking to replace the loss or adverse business fluctuations.

(3) If the general terms and conditions and the articles of association lay down the obligation of subsequent payments, those subsequent payments shall also be paid by the persons acquiring membership during the year or the persons whose membership has terminated during the year, which shall be made in proportion to the duration of membership in that year. Should contributions, premiums or insurance sums serving as the basis for determining the amount of subsequent payments be changed during the business year, subsequent payments shall be measured using the higher basis.

(4) The general terms and conditions and the articles of association shall lay down the subsequent payments or the reduction of the liabilities of the insurance undertaking under the insurance contract separately at least by individual insurance in insurance classes.

Article 87
(Contingency reserves)

(1) The articles of association of a mutual insurance company shall lay down the method of forming contingency reserves to cover business losses, including the minimum amount that contingency reserves of the mutual insurance company must reach.

(2) Contingency reserves shall be formed of the net profit of the business year or also of distributable profit should the general meeting so decide.

Article 88
(Subordinated debt instruments)

A mutual insurance company may raise its basic own funds by issuing subordinated debt instruments on the basis of the consent of the

dolžniških instrumentov.

89. člen
(uporaba letnega dobička)

(1) Dobiček, izkazan v letnem poročilu, se lahko razdeli članom, razen v primerih iz prvega odstavka 248. člena tega zakona.

(2) Dobiček, izkazan v letnem poročilu, se lahko razdeli članom ali prenese v naslednje poslovno leto v obsegu, ki ni potreben za:

1. oblikovanje varnostnih rezerv ali
2. oblikovanje drugih s statutom določenih rezerv, pri čemer se lahko s statutom določene rezerve uporabijo za zagotovitev kapitala v primeru opravljanja zavarovalnih poslov v drugih zavarovalnih vrstah in za zagotovitev kapitala v primeru opravljanja zavarovalnih poslov v drugi zavarovalni skupini ali
3. vračilo ustanovnega kapitala oziroma za druga izplačila, določena v statutu (tretji odstavek 85. člena zakona).

(3) Statut določa merila, po katerih se dobiček razdeli članom, in zlasti, ali se dobiček posameznega poslovnega leta razdeli tudi osebam, ki so med letom izstopile iz članstva.

90. člen
(pokrivanje izgub)

Prenesena oziroma čista izguba se pokrije iz naslednjih virov in po naslednjem vrstnem redu:
- nerazporejenega čistega dobička preteklih let,
- drugih rezerv, ki so namenjene pokrivanju izgube,
- statutarnih rezerv, ki so namenjene pokrivanju izgube,
- varnostnih rezerv,
- ustanovnega kapitala.

2.8.5. Skupščina družbe za vzajemno zavarovanje

general meeting.

Article 89
(Use of the annual profit)

(1) The profit disclosed in the annual report may be distributed to the members, except in cases referred to in paragraph one of Article 248 of this Act.

(2) The profit disclosed in the annual report may be distributed to the members or brought forward to the next business year, up to the portion which is not required to:
1. form contingency reserves or
2. form any other reserves laid down by the articles of association, whereby these reserves may be applied to provide for capital in the case of conducting insurance business in other classes of insurance and to provide for capital in the event of conducting insurance business in another insurance group or
3. repay the initial capital or make other repayments laid down in the articles of association (paragraph three of Article 85 of this Act).

(3) The articles of association shall lay down the criteria according to which the profits are distributed to the members and, in particular, whether the profits are also to be distributed to persons whose membership expired during the year.

Article 90
(Loss coverage)

Loss brought forward or net loss shall be covered by the following sources and in accordance with the following order:
- undistributed net profit from previous years,
- other reserves intended to cover loss,
- statutory reserves which are intended to cover loss,
- contingency reserves,
- initial capital.

2.8.5. General meeting of a mutual insurance company

91. člen
(skupščina družbe za vzajemno zavarovanje)

(1) Člani družbe za vzajemno zavarovanje uresničujejo svoje pravice v družbi za vzajemno zavarovanje na skupščini, če zakon ne določa drugače.

(2) Skupščina je lahko organizirana kot skupščina vseh članov (v nadaljnjem besedilu: skupščina članov) ali kot skupščina zastopnikov članov, ki so tudi sami člani družbe za vzajemno zavarovanje (v nadaljnjem besedilu: skupščina zastopnikov).

(3) Ne glede na drugi odstavek tega člena je lahko skupščina družbe za vzajemno zavarovanje, katere število članov je 1.500 ali več kot 1.500, organizirana samo kot skupščina zastopnikov.

(4) Za skupščino družbe za vzajemno zavarovanje, katere število članov je manjše kot 1.500 in je organizirana kot skupščina zastopnikov, veljajo določbe tega zakona o skupščini zastopnikov.

(5) Če se v tekočem poslovnem letu število članov zmanjša pod 1.500 in je to število manjše od 1.500 za največ 10% še vso tekoče poslovno leto in še eno zatem (drugo poslovno leto), se člani na skupščini članov v letu za drugim poslovnim letom odločijo, ali naj družba za vzajemno zavarovanje ohrani skupščino zastopnikov ali pa naj skupščini zastopnikov prenehajo pristojnosti ter člani od tedaj dalje uresničujejo svoje pravice na skupščini članov.

(6) Če se število članov družbe za vzajemno zavarovanje, ki ima skupščino organizirano kot skupščino članov, v tekočem poslovnem letu poveča nad 1.500 in je to število večje od 1.500 še vso tekoče poslovno leto in še naslednje poslovno leto, z iztekom drugega poslovnega leta prenehajo pristojnosti skupščine članov, družba za vzajemno zavarovanje pa oblikuje v naslednjem poslovnem letu skupščino zastopnikov.

(7) Skupščina odloča v zadevah, za katere zakon ali statut

Article 91
(General meeting of a mutual insurance company)

(1) The members of a mutual insurance company shall exercise their rights in the mutual insurance company by means of a general meeting, unless otherwise provided by an Act.

(2) The general meeting may be organised as a general meeting of all the members (hereinafter: meeting of members) or as a meeting of members' representatives, who themselves must be members of a mutual insurance company (hereinafter: representatives' meeting).

(3) Notwithstanding paragraph two of this Article, the general meeting of a mutual insurance company with 1,500 members or more can only be organised as a representatives' meeting.

(4) For the general meeting of a mutual insurance company with less than 1,500 members and which is organised as a representatives' meeting, the provisions of this Act regarding a representatives' meeting shall apply.

(5) Should the number of members in the current business year fall below 1,500 and this number is lower than 1,500 by no more than 10% throughout the current business year and the subsequent year (the second business year), at the general meeting in the year following the second business year the members shall decide if the mutual insurance company is to maintain the representatives' meeting or if the powers of the representatives' meeting should expire and the members from then on exercise their rights at a meeting of members.

(6) If the number of members of a mutual insurance company which has its general meeting organised as a meeting of members increases to more than 1,500 in the current business year and remains higher than 1,500 throughout the current business year and the following year, the powers of the meeting of members shall cease to exist at the end of the second business year, and the mutual insurance company shall form a representatives' meeting in the next business year.

(7) The general meeting shall adopt decisions with regard to the

izrecno določa, da o njih odloča skupščina. O vprašanjih v zvezi z vodenjem poslov lahko odloča skupščina samo, če to zahteva uprava zavarovalnice ali če to v primeru, ko to dopuščajo določbe zakona, ki ureja gospodarske družbe, ki urejajo pristojnosti nadzornega sveta, zahteva nadzorni svet.

(8) Kadar določbe zakona, ki ureja gospodarske družbe, ki se uporabljajo za skupščino družbe za vzajemno zavarovanje na podlagi tega zakona, določajo manjšinske pravice delničarjev, katerih skupni deleži dosegajo določen delež osnovnega kapitala, statut določi ustrezno število (manjšino) članov skupščine.

92. člen
(sestava skupščine zastopnikov in nadomestni zastopniki)

(1) Skupščina zastopnikov je sestavljena iz 45 zastopnikov članov.

(2) Vsak zastopnik članov ima prvega nadomestnega zastopnika in drugega nadomestnega zastopnika.

(3) S predčasnim prenehanjem mandata zastopnika članov prvi nadomestni zastopnik članov v skladu s 96. členom tega zakona postane član skupščine zastopnikov. S predčasnim prenehanjem mandata prvemu nadomestnemu zastopniku članov drugi nadomestni zastopnik članov v skladu s 96. členom tega zakona postane član skupščine zastopnikov.

93. člen
(sistem volitev v skupščino zastopnikov)

(1) Za volitve v skupščino zastopnikov se uporablja mešani sistem volitev.

matters for which it is explicitly laid down by an Act or the articles of association to be adopted by the general meeting. Decisions regarding the management of business may only be adopted by the general meeting if this is required by the management board of the insurance undertaking or if this is, in the event permitted by the provisions of the Act governing companies which regulate the powers of the supervisory board, required by the supervisory board.

(8) Where the provisions of the Act governing companies applying to the general meeting of a mutual insurance company based on this Act provide the minority rights of shareholders whose joint holdings reach a certain share in the share capital, the articles of association shall lay down an appropriate number (minority) of members of the general meeting.

Article 92
(Composition of representatives' meetings and substitute representatives)

(1) A representatives' meeting shall be composed of 45 members' representatives.

(2) Each members' representative shall have a first substitute representative and a second substitute representative.

(3) According to Article 96 of this Act, upon the early termination of the term of office of a members' representative, the first substitute representative of the members' representative shall become a member of the representatives' meeting. Upon the early termination of the term of office of the first substitute representative of the members' representative, the second substitute of the members' representative shall become a member of the representatives' meeting, in accordance with Article 96 of this Act.

Article 93
(Elections to the representatives' meeting)

(1) For elections to the representatives' meeting, a mixed electoral system shall apply.

(2) Vsakih šest let se izvedejo splošne volitve (volilno obdobje), na katerih člani družbe za vzajemno zavarovanje izvolijo člane skupščine zastopnikov in po dva nadomestna zastopnika za vsakega člana skupščine zastopnikov.

(3) Po izteku prvih dveh let volilnega obdobja preneha mandat prvi tretjini zastopnikov članov, izvoljenih na splošnih volitvah, in se z volitvami, ki jih izvedeta preostali dve tretjini zastopnikov, izvoljenih na splošnih volitvah, izvoli prva tretjina novih zastopnikov članov (volitve s sistemom kooptacije).

(4) Po izteku štirih let volilnega obdobja preneha mandat drugi tretjini zastopnikov članov, izvoljenih na splošnih volitvah, in se z volitvami, ki jih izvedejo preostala ena tretjina zastopnikov, izvoljenih na splošnih volitvah, in novi zastopniki članov, izvoljeni s sistemom kooptacije, izvoli druga tretjina novih zastopnikov članov.

(5) Od celotnega števila na splošnih volitvah izvoljenih zastopnikov, ki sestavljajo skupščino, se po poteku dveh let volilnega obdobja z žrebom določi ena tretjina zastopnikov članov, ki jim tedaj preneha mandat. Po poteku štiriletnega volilnega obdobja se od preostalih dveh tretjin zastopnikov članov, izvoljenih s splošnimi volitvami, z žrebom določi še polovica teh članov, ki jim tedaj preneha mandat.

(6) Mandat zastopnikov članov, ki jim mandat ni predčasno prenehal, preneha z izvolitvijo novih zastopnikov članov na volitvah s sistemom kooptacije ali na naslednjih splošnih volitvah, mandat novih zastopnikov članov, izvoljenih s sistemom kooptacije, ki jim mandat ni predčasno prenehal, preneha z izvolitvijo novih zastopnikov članov na naslednjih splošnih volitvah, funkcija nadomestnih zastopnikov članov, katerim funkcija ni predčasno prenehala, pa preneha z izvolitvijo novih nadomestnih zastopnikov članov na naslednjih splošnih volitvah.

(7) Ponovna izvolitev je dopustna.

(2) Every six years, general elections (election period) shall be held at which members of the mutual insurance company shall elect members of the representatives' meeting and two substitute representatives for each member of the representatives' meeting.

(3) At the end of the first two years of the election period, the term of office of the first third of members’ representatives elected at the general elections shall terminate, and with the elections held by the remaining two thirds of the representatives elected at the general elections, the first third of new members’ representatives shall be elected (co-option system elections).

(4) At the end of the four-year election period, the term of office of the second third of the members’ representatives elected at the general elections shall terminate, and with elections held by the remaining third of the representatives elected at the general elections and by new members’ representatives elected by the co-option system, the second third of members’ representatives shall be elected.

(5) Of the overall number of elected representatives at the general elections that comprise the general meeting, after the expiry of a two-year election period, one third of members’ representatives whose term of office terminates at that time shall be determined by drawing lots. After the expiry of the four-year election period, of the remaining two thirds of members’ representatives elected at the general elections, half of these members whose term of office terminates at that time shall be determined by drawing lots.

(6) The term of office of members’ representatives whose term of office has not terminated early shall be terminated by electing new members’ representatives in co-option system elections or in the next general election; the term of office of new members’ representatives elected with co-option system elections whose term of office has not terminated early, shall be terminated by the election of new members' representatives in the next general election; and the function of substitute representatives whose function has not terminated early, shall be terminated by electing new substitute representatives in the next general election.

(7) Re-election shall be permitted.

94. člen
(skupščina zastopnikov družbe za vzajemno zavarovanje, ki izvaja dopolnilno zdravstveno zavarovanje oziroma življenjsko zavarovanje)

(1) Za skupščino zastopnikov družbe za vzajemno zavarovanje, ki izvaja dopolnilno zdravstveno zavarovanje oziroma življenjsko zavarovanje, se uporabljajo določbe tega zakona glede skupščine zastopnikov.

(2) Skupščina zastopnikov družbe iz prvega odstavka tega člena odraža tudi starostno strukturo njenih članov, ki so razporejeni v starostne razrede. Pri razporejanju v starostne razrede se upošteva datum rojstva. Vsak starostni razred ima v času sestave volilne liste enako število članov. Dopustna so samo odstopanja, ki so nujna zaradi morebitnega večjega števila članov, rojenih na isti dan. Razredov je pet.

(3) V primeru, ko zavarovanec ni hkrati tudi zavarovalec, družba za vzajemno zavarovanje iz prvega odstavka tega člena v starostne razrede razporeja zavarovance.

(4) Iz vsakega starostnega razreda je izvoljeno enako število zastopnikov članov.

(5) Izvoljeni zastopniki članov in nadomestni zastopniki v času volilnega obdobja ne prehajajo iz enega v drugi starostni razred.

(6) Volivec lahko voli v skupščino zastopnikov samo zastopnike članov iz svojega starostnega razreda.

(7) Peti odstavek 93. člena se uporablja za vsak starostni razred posebej.

95. člen
(uporaba zakonskih določb glede razporeditve v razrede za družbo

Article 94
(Representatives’ meeting of a mutual insurance company which provides supplementary health insurance or life insurance)

(1) For the representatives' meeting of a mutual insurance company providing supplementary health insurance or life insurance, the provisions of this Act regarding the representatives' meeting shall apply.

(2) The representatives' meeting of the company referred to in paragraph one of this Article shall also reflect the age structure of its members classified by age classes. In classifying members by age classes, the date of birth shall be used. Each age class shall have an equal number of members at the time the election list is compiled. Only exemptions which are necessary due to a potentially larger number of members born on the same day shall be permissible. There shall be five classes.

(3) If an insured person is not also the policyholder, the mutual insurance company referred to in paragraph one of this Article shall classify insured persons into age classes.

(4) From each age class there shall be an equal number of elected members’ representatives.

(5) During the election period, the elected members’ representatives and substitute representatives shall not pass from one age class to another.

(6) A voter may only elect members’ representatives in the representatives' meeting from their age class.

(7) Paragraph five of Article 93 shall apply separately to each age class.

Article 95
(Application of legislative provisions regarding classification into

za vzajemno zavarovanje, ki ne izvaja dopolnilnega zdravstvenega zavarovanja oziroma življenjskega zavarovanja)

Za družbo za vzajemno zavarovanje, ki ne izvaja dopolnilnega zdravstvenega ali življenjskega zavarovanja in s statutom določi, da sestava skupščine zastopnikov družbe odraža interese različnih skupin članov, se smiselno uporablja 94. člen tega zakona glede razporeditve v razrede.

96. člen
(predčasno prenehanje mandata zastopnika članov)

(1) Mandat zastopniku članov, prvemu nadomestnemu zastopniku članov in drugemu nadomestnemu zastopniku članov predčasno preneha:
- če predčasno odstopi,
- z nastopom okoliščin, ki izključujejo pasivno volilno pravico,
- z začetkom osebnega stečajnega postopka nad zastopnikom članov.

(2) S predčasnim prenehanjem mandata zastopnika članov nastopi funkcijo zastopnika članov prvi nadomestni zastopnik članov.

(3) Če tudi prvemu nadomestnemu zastopniku članov predčasno preneha mandat, nastopi funkcijo zastopnika članov drugi nadomestni zastopnik članov.

(4) Če predčasno preneha mandat tudi drugemu nadomestnemu zastopniku članov in število zastopnikov članov v skupščini zastopnikov, v kateri ni starostnih razredov, ali v posameznem starostnem razredu skupščine zastopnikov s starostnimi razredi pade za eno tretjino, skupščina preostalih zastopnikov članov na naslednji redni seji izmed vseh članov s pasivno volilno pravico z volitvami po sistemu kooptacije izvoli nove zastopnike članov in še dva nadomestna zastopnika članov za vsakega zastopnika članov.

classes for a mutual insurance company which does not provide supplementary health insurance or life insurance)

For a mutual insurance company which does not provide supplementary health insurance or life insurance, and lays down in its articles of association that the composition of the representatives' meeting of the company shall reflect the interests of different groups of members, the provisions of Article 94 shall apply, *mutatis mutandis*, regarding the classification into classes.

Article 96
(Early termination of term of office of members' representative)

(1) The term of office of a members' representative, the first substitute members' representative and the second substitute members' representative shall terminate early:
- in the case of early resignation,
- should circumstances arise that preclude the right to stand for election,
- on the initiation of personal bankruptcy proceedings of a members' representative.

(2) Upon early termination of the term of office of a members' representative, the first substitute members' representative shall take up the function of representative.

(3) If the term of office of the first substitute members' representative also terminates early, the second substitute members' representative shall take up the function of representative.

(4) If the term of office of the second substitute members' representative also terminates early and the number of members' representatives in the representatives' meeting where there are no age classes, or in an individual age class of the representatives' meeting with age classes, fall by one third, the meeting of the remaining members' representatives shall elect by co-option system elections new members' representatives and two substitute members' representatives for each of the members' representatives at the next regular meeting from among all members with the right to stand for election.

97. člen
(volilna pravica)

(1) Pravico voliti zastopnike članov na splošnih volitvah (v nadaljnjem besedilu: aktivna volilna pravica) ima vsaka poslovno sposobna fizična oseba, ki je član družbe za vzajemno zavarovanje. Član družbe za vzajemno zavarovanje ne more pooblastiti druge osebe, da glasuje zanj, niti ne more ne drugo osebo prenesti aktivne volilne pravice.

(2) Pravico biti izvoljen v skupščino zastopnikov na splošnih volitvah in na volitvah s sistemom kooptacije (v nadaljnjem besedilu: pasivna volilna pravica) ima vsaka poslovno sposobna fizična oseba, ki je član družbe za vzajemno zavarovanje najmanj eno leto, ali oseba, ki je najmanj eno leto zavarovanec na podlagi pogodbe, ki jo je z družbo za vzajemno zavarovanje sklenil član.

(3) Ne glede na drugi odstavek tega člena zastopniki članov ne morejo biti zaposleni v družbi za vzajemno zavarovanje, člani organov vodenja ali nadzora družbe za vzajemno zavarovanje, člani organov vodenja ali nadzora ter zaposleni v zavarovalnici, ki opravlja zavarovalne posle v isti zavarovalni vrsti kakor družba za vzajemno zavarovanje in člani organov vodenja ali nadzora v odvisni oziroma obvladujoči družbi družbe za vzajemno zavarovanje.

98. člen
(volilna komisija)

(1) Splošne volitve in volitve s sistemom kooptacije ter morebitne druge s tem povezane odločitve pripravi in vodi ter sprejme volilna komisija.

(2) Volilna komisija izvede žreb, kot to določa peti odstavek 93. člena tega zakona.

(3) Člane volilne komisije sestavlja določeno število članov

Article 97
(Voting right)

(1) Any natural person with the capacity to exercise rights who is a member of a mutual insurance company shall have the right to vote for members' representatives at the general elections (hereinafter: right to vote). A member of a mutual insurance company cannot authorise another person to vote on their behalf, nor may they transfer to another person the right to vote.

(2) Any natural person with the capacity to exercise rights who has been a member of a mutual insurance company for at least one year, or a person who has been an insured person for at least one year on the basis of a contract concluded with the mutual insurance company by the member, shall have the right to be elected to the representatives' meeting in general elections and by co-option system elections (hereinafter: right to stand for election).

(3) Notwithstanding paragraph two of this Article, members' representatives may not be employed by the mutual insurance company, nor may they be members of management or supervisory bodies of the mutual insurance company, members of management or supervisory bodies and employees in an insurance undertaking which conducts insurance business in the same insurance class as the mutual insurance company and members of management or supervisory bodies in a controlled or controlling company of a mutual insurance company.

Article 98
(Voting and election committee)

(1) General elections and elections with the co-option system and potential other related decisions shall be prepared, managed and adopted by a voting and election committee.

(2) A voting and election committee shall carry out a drawing of lots as provided by paragraph five of Article 93 of this Act.

(3) Members of a voting and election committee shall consist of

uprave, določeno število članov nadzornega sveta in določeno število članov družbe za vzajemno zavarovanje, pri čemer število članov družbe za vzajemno zavarovanje presega skupno število članov uprave in članov nadzornega sveta, ki sestavljajo volilno komisijo.

(4) Člane uprave, ki so člani volilne komisije, imenuje uprava, člane nadzornega sveta, ki so člani volilne komisije, imenuje nadzorni svet. Člane družbe za vzajemno zavarovanje, ki so člani volilne komisije, izvoli skupščina članov oziroma skupščina zastopnikov.

99. člen
(statut in pravilnik)

(1) Družba za vzajemno zavarovanje, ki ima skupščino organizirano kot skupščino zastopnikov, v statutu glede volitev v skupščino zastopnikov določi zlasti:
- število in sestavo volilne komisije,
- obliko žreba iz petega odstavka 93. člena tega zakona,
- osnovna pravila volilnega postopka in izvedbe volitev.

(2) Skupščina družbe za vzajemno zavarovanje, ki ima skupščino organizirano kot skupščino zastopnikov, sprejme tudi pravilnik o volitvah v skupščino zastopnikov. V pravilniku o volitvah v skupščino zastopnikov natančneje uredi vprašanja iz prvega odstavka tega člena ter druga vprašanja, potrebna za pripravo in izvedbo volitev.

(3) Statut v delu, ki ureja volitve v skupščino zastopnikov, in njegove spremembe začnejo veljati, ko k njim poda soglasje Agencija za zavarovalni nadzor. V primeru družbe, ki opravlja dopolnilno zdravstveno zavarovanje, je za začetek veljavnosti potrebno tudi soglasje ministra, pristojnega za zdravje.

a specified number of members of the management board, a specified number of members of the supervisory board, and a specified number of members of the mutual insurance company, where the number of members of a mutual insurance company shall exceed the total number of members of the management board and members of the supervisory board making up the voting and election committee.

(4) Members of the management board who are members of the voting and election committee, shall be appointed by the management board, and members of the supervisory board who are members of the voting and election committee, shall be appointed by the supervisory board. Members of a mutual insurance company who are members of the voting and election committee, shall be elected by the meeting of members or the representatives' meeting.

Article 99
(Articles of association and rules)

(1) A mutual insurance company that has the general meeting organised as a representatives' meeting, shall lay down in its articles of association regarding elections to representatives' meeting in particular:
- the number and composition of the voting and election committee,
- the method of drawing of lots referred to in paragraph five of Article 93 of this Act,
- the basic rules on the election procedure and the holding of elections.

(2) The general meeting of a mutual insurance company whose general meeting is organised as a representatives' meeting, shall adopt rules on elections to the representatives' meeting. The rules on elections to the representatives' meeting shall regulate in detail issues referred to in paragraph one of this Article, and other issues necessary for the preparation and holding of elections.

(3) The Articles of Association, in the part governing elections to the representatives' meeting, and its amendments shall enter into force upon consent being granted by the Insurance Supervision Agency. In the case of a company which provides supplementary health insurance, the consent of the minister responsible for health shall also be required for their entry into force.

100. člen
(sklic skupščine članov in odločanje)

(1) Za sklic skupščine članov, udeležbo na skupščini, zapisnik skupščine in pravico članov do obveščenosti se smiselno uporabljajo določbe zakona, ki ureja gospodarske družbe, o skupščini delniške družbe, ki urejajo možnosti članov uprave, da se udeležijo skupščine tudi, če niso delničarji, o pristojnosti skupščine, o sklicu skupščine, o vsebini in objavi sklica, o sklicnem roku in udeležbi, o zagotovitvi informacij, o dopolnitvi dnevnega reda, o predlogih delničarjev, o volilnih predlogih delničarjev, o zapisniku skupščine, o delničarjevi pravici do obveščenosti in o sodni odločbi glede pravice do obveščenosti.

(2) Skupščino članov družbe za vzajemno zavarovanje je treba sklicati, če to pisno zahteva najmanj 5% članov družbe za vzajemno zavarovanje. Zahtevo članov za sklic skupščine, ki vsebuje predlog dnevnega reda in predlog sklepov ter obrazložitev posameznih točk dnevnega reda, se pošlje upravi družbe. Uprava družbe za vzajemno zavarovanje skliče skupščino v roku 15 dni od prejema zahteve članov za sklic skupščine. Tako sklicana skupščina ne sme biti pozneje kakor 30. dan od dneva objave sklica skupščine. Skupščina, sklicana na podlagi zahteve članov, lahko odloča le v okviru dnevnega reda, podanega v zahtevi za sklic skupščine.

(3) Če uprava družbe za vzajemno zavarovanje ne skliče skupščine po prejemu zahteve članov za sklic skupščine v roku iz prejšnjega odstavka, lahko sodišče člane oziroma njihove pooblaščence pooblasti za sklic skupščine.

(4) Na skupščini, ki je organizirana kot skupščina članov, se sestavi seznam prisotnih članov skupščine in njihovih pooblaščencev, ki vsebuje njihovo ime in prebivališče. Seznam, ki ga podpiše predsednik, se pred glasovanjem da na vpogled udeležencem skupščine.

Article 100
(Call of meeting of members and decision making)

(1) For calling the meeting of members, participation in the meeting, the minutes of the meeting and the right of members to be informed, the provisions of the Act governing companies regarding the general meeting of a public limited company, which regulate the option for members of the management board to participate in the general meeting even if they are not shareholders, the powers of the general meeting, the calling of the general meeting, the content and publication of calling the general meeting, the period of notice to call the general meeting and participation, the provision of information, amendments to the agenda, the motions and voting proposals of shareholders, the minutes of the general meeting, the right of shareholders to be informed and the court decision on the right to be informed shall apply *mutatis mutandis*.

(2) A meeting of members of the mutual insurance company shall be called, if at least 5% of members of the mutual insurance company make a written request. The request, accompanied by a draft agenda and proposed resolutions and substantiations for each suggested point on the agenda, shall be sent to the management board. The management board of the mutual insurance company shall call the general meeting within 15 days of receipt of the members' request to call the general meeting. A general meeting called in this case shall be held no later than 30 days after the publication date of the calling of the general meeting. A general meeting called at the request of members may only take decisions on the points on the agenda which were included in the request to call the meeting.

(3) If the management board of a mutual insurance company does not call the general meeting after receiving the members' request to call the general meeting within the period referred to in the preceding paragraph, the court may authorise the members or their authorised persons to call the general meeting.

(4) At a general meeting which is organised as a meeting of members, a list of members and of their authorised persons present shall be drawn up, containing their names and addresses. The list, to be signed by the chairperson, shall be made available for examination by the

(5) Za sprejem sklepa skupščine je potrebna večina oddanih glasov (navadna večina), če zakon ali statut ne določata večje večine. Za volitve lahko statut določi drugačne zahteve.

(6) Če na skupščini članov glasovalno pravico za člana uresničuje pooblaščena oseba, so vsa pooblastila predložena družbi za vzajemno zavarovanje, najpozneje sedem dni pred skupščino. Pooblastila ostanejo shranjena pri družbi za vzajemno zavarovanje.

(7) Član skupščine, ki je organizirana kot skupščina članov, ne more niti v svojem imenu niti kot pooblaščenec drugega člana sodelovati pri odločanju o tem, da se oprosti določene obveznosti, ali o uveljavljanju zahtevka družbe proti njemu.

(8) Predsednika skupščine izvoli skupščina za vsako skupščino posebej. Predlog za predsednika skupščine poda uprava družbe za vzajemno zavarovanje ali najmanj tretjina na seji skupščine prisotnih oziroma zastopanih članov.

101. člen
(sklic skupščine zastopnikov in odločanje)

(1) Za sklic in odločanje skupščine družbe za vzajemno zavarovanje, ki je organizirana kot skupščina zastopnikov, se smiselno uporablja prejšnji člen.

(2) Ne glede na prvi odstavek tega člena je treba skupščino družbe za vzajemno zavarovanje, ki je organizirana kot skupščina zastopnikov, sklicati, če to pisno zahteva najmanj 5% članov družbe za vzajemno zavarovanje ali ena tretjina zastopnikov članov. Skupščino družbe za vzajemno zavarovanje, ki ima več kakor 50.000 članov, je treba sklicati že, če tako zahteva najmanj 1,5% članov družbe za vzajemno zavarovanje.

participants.

(5) In order for the general meeting to adopt a resolution, a majority of the votes cast shall be required (simple majority), unless a higher majority is provided by an Act or the articles of association. The articles of association may lay down different requirements for elections.

(6) If at the general meeting an authorised person is exercising the right to vote on behalf of a member, all authorisations must be delivered to the mutual insurance company no later than seven days prior to the general meeting. Authorisations shall also be kept by the mutual insurance company.

(7) A member of a general meeting which is organised as a meeting of members, shall neither on their own behalf nor as an authorised person of another member, participate in decision-making on whether they should be exempted from certain obligations or on whether the company should pursue a claim against them.

(8) A chairperson of the general meeting shall be elected by the general meeting for each general meeting separately. The management board of a mutual insurance company or at least one third of the members present or represented at the session of the general meeting shall propose the chairperson of the general meeting.

Article 101
(Call of representatives' meeting and decision-making)

(1) The preceding Article shall apply, *mutatis mutandis*, for the calling and decision making of the general meeting of a mutual insurance company which is organised as a representatives’ meeting.

(2) Notwithstanding paragraph one of this Article, a general meeting of a mutual insurance company which is organised as a representatives’ meeting shall be called when required in writing by at least 5% of the members of the mutual insurance company or one third of the members' representatives. A general meeting of a mutual insurance company with more than 50,000 members should be called when required by at least 1.5% of members of the mutual insurance company.

(3) Za skupščino družbe za vzajemno zavarovanje, ki je organizirana kot skupščina zastopnikov, se ne uporabljajo določbe zakona, ki ureja gospodarske družbe, glede prijave udeležbe na skupščini.

(4) Uprava družbe za vzajemno zavarovanje, ki ima skupščino organizirano kot skupščino zastopnikov, peti dan od objave sklica pisno obvesti vsakega zastopnika članov o sklicu skupščine ter priloži listine, zahtevane v določbah zakona, ki ureja gospodarske družbe, ki urejajo zagotovitev informacij.

(5) Ne glede na določbe zakona, ki ureja gospodarske družbe, ki urejajo dopolnitev dnevnega reda, predloge delničarjev in volilne predloge delničarjev, lahko najmanj 5% članov družbe za vzajemno zavarovanje ali vsak zastopnik članov daje predloge skupščini za dopolnitev dnevnega reda, predloge sklepov k točkam dnevnega reda in volilne predloge. Če ima družba za vzajemno zavarovanje več kakor 50.000 članov, lahko že najmanj 1,5% članov družbe za vzajemno zavarovanje daje predloge skupščini za dopolnitev dnevnega reda, predloge sklepov k točkam dnevnega reda in volilne predloge.

(6) Zastopnik članov ne more prenesti svojih pravic iz naslova zastopnika članov na drugega zastopnika članov ali nekoga drugega niti pooblastiti nekoga, da jih uresničuje.

102. člen
(pooblastila)

(1) Fizične osebe, ki so poslovno sposobne, in pravne osebe, ki nameravajo na skupščini družbe za vzajemno zavarovanje, ki je organizirana kot skupščina članov, uresničevati glasovalno pravico na podlagi zbranih pooblastil (v nadaljnjem besedilu: pooblaščenci), so pisno pooblaščene. Pooblaščenci zbirajo pooblastila za vsako skupščino posebej.

(3) For the general meeting of a mutual insurance company which is organised as a representatives' meeting, the provisions of the Act governing companies regarding the notification of participation at the general meeting shall not apply.

(4) The management board of a mutual insurance company which has its general meeting organised as a representatives' meeting, shall notify in writing on the fifth day of the publication of the notice calling the general meeting each of the members' representative regarding the calling of the general meeting, and attach documents required by the provisions of the Act governing companies which govern the provision of information.

(5) Notwithstanding the provisions of the Act governing companies which govern amendments to the agenda, shareholders' motions and voting proposals, at least 5% of members of a mutual insurance company or any members' representative may make proposals to the general meeting to amend the agenda, proposals for decisions on points on the agenda, and voting proposals. If a mutual insurance company has more than 50,000 members, at least 1.5% of members of the mutual insurance company may make proposals to the general meeting to amend the agenda, proposals for resolutions on points on the agenda, and voting proposals.

(6) The members' representative cannot transfer their rights related to the function of the members' representative to another members' representative or to someone else, nor authorise someone to exercise them.

Article 102
(Authorisations)

(1) Natural persons with the capacity to exercise rights, and legal persons that intend to exercise their voting rights at the general meeting of a mutual insurance company which is organised as a representatives' meeting on the basis of collected authorisations (hereinafter: authorised persons) shall have a written authorisation. Authorised persons shall collect authorisations for each general meeting separately.

(2) Pooblastilo vsebuje osebno ime člana, številko zavarovalne pogodbe, ki je podlaga za članstvo, osebno ime, EMŠO, oziroma firmo in matično številko pooblaščenca, predloge sklepov, predlog pooblaščenca za glasovanje k posameznim predlogom sklepov, ki so v pooblastilu obrazloženi, poziv članu družbe za vzajemno zavarovanje, naj da navodila za uresničevanje glasovalne pravice, in opozorilo, da lahko član družbe za vzajemno zavarovanje pooblastilo kadarkoli do glasovanja na skupščini prekliče.

(3) Člani organov vodenja in nadzora ter zaposleni v družbi za vzajemno zavarovanje, člani organov vodenja in nadzora v zavarovalnici, ki opravlja zavarovalne posle v isti zavarovalni vrsti kot družba za vzajemno zavarovanje in od nje odvisne oziroma obvladujoče družbe, ne smejo zbirati pooblastil, biti vključeni v postopek organiziranega zbiranja pooblastil ali nastopati kot pooblaščenci za uresničevanje glasovalnih pravic na skupščini družbe za vzajemno zavarovanje, ki je organizirana kot skupščina članov, razen če glasujejo po pooblastilu oseb iz tretjega odstavka 18. člena tega zakona, če so ti člani družbe za vzajemno zavarovanje.

(4) Pooblaščenec v pisni obliki kot prilogo pooblastilu članu družbe za vzajemno zavarovanje razkrije vse okoliščine, ki so lahko pomembne za člana pri presoji tveganja, da bi pooblaščenec lahko deloval v interesu, drugačnem od interesa člana (v nadaljnjem besedilu: nasprotje interesov).

(5) Do nasprotja interesov lahko pride predvsem, če je pooblaščenec:
- povezana oseba po tem zakonu,
- v pogodbenem odnosu z družbo za vzajemno zavarovanje,
- od družbe za vzajemno zavarovanje neodplačno prejel denarna sredstva ali druge premične ali nepremične stvari.

(6) Pooblaščenci, ki so se odločili, da bodo organizirano zbirali pooblastila, o zbiranju pooblastil najpozneje 21 dni pred zasedanjem skupščine obvestijo družbo za vzajemno zavarovanje. Za organizirano zbiranje pooblastil se šteje vsako zbiranje pooblastil, ki je namenjeno več

(2) An authorisation shall include the name and surname of the member, the number of the insurance contract which is the basis for membership, the name, surname, personal identification number or corporate name and registration number of the authorised person, resolution proposals, the proposal for the authorised person to vote on each proposed resolution with substantiations stated in the authorisation, an invitation to the member of a mutual insurance company to provide instructions for exercising the voting rights, and a notice that a member of a mutual insurance company may revoke the authorisation at any time prior to voting at the general meeting.

(3) Members of management and supervisory bodies and employees of a mutual insurance company, and members of management and supervisory bodies of an insurance undertaking which conducts insurance business in the same insurance class as a mutual insurance company and its controlled or controlling companies, shall not be allowed to collect authorisations, be included in the procedure of organised collection of authorisations or act as authorised persons exercising voting rights at a general meeting of a mutual insurance company which is organised as a meeting of members, unless they vote on the basis of authorisation of the persons referred to in paragraph three of Article 18 of this Act, provided they are members of a mutual insurance company.

(4) An authorised person shall, in a written attachment to the authorisation, disclose to the member of a mutual insurance company any circumstances which could be important to the member in assessing the risk of the authorised person acting in interests that might differ from the interests of the member (hereinafter: conflict of interest).

(5) A conflict of interest may occur in particular if the authorised person:
- is a connected person pursuant to this Act,
- is in a contractual relationship with the mutual insurance company,
- has gratuitously acquired cash or other movable or immovable assets from the mutual insurance company.

(6) Authorised persons that have decided to collect authorisations in an organised manner shall notify the mutual insurance company of this no later than 21 days prior to the general meeting of the mutual insurance company. Any collection of authorisations intended for

kot desetim članom družbe za vzajemno zavarovanje. Obvestilo vsebuje kontaktne podatke pooblaščenca, predloge pooblaščenca za glasovanje k posameznim predlogom sklepov in razkritje okoliščin o morebitnem nasprotju interesov iz četrtega odstavka tega člena. Družba za vzajemno zavarovanje objavi obvestila najpozneje 18 dni pred zasedanjem skupščine v glasilu ali elektronskem mediju družbe ali svoji spletni strani, če ima družba svojo spletno stran.

(7) Pooblaščenec, ki je zbral več kot deset pooblastil, o številu zbranih pooblastil obvesti družbo za vzajemno zavarovanje najpozneje sedem dni pred dnem zasedanja skupščine. Obvestilo vsebuje tudi navodila članov za glasovanje pooblaščenca in njihovo število.

(8) Obvestilo iz prejšnjega odstavka objavi družba za vzajemno zavarovanje najpozneje pet dni pred dnem zasedanja skupščine v glasilu ali elektronskem mediju družbe ali na svoji spletni strani, če ima družba svojo spletno stran.

(9) Pooblastila, zbrana v nasprotju s tem členom, so nična.

103. člen
(ničnost in izpodbojnost skupščinskih sklepov)

Za uveljavljanje ničnosti oziroma izpodbijanje sklepov skupščine družbe za vzajemno zavarovanje se smiselno uporabljajo določbe zakona, ki ureja gospodarske družbe, ki urejajo ničnost in izpodbojnost, razen določb, ki urejajo izpodbijanje sklepa o povečanju osnovnega kapitala. Pri smiselni uporabi določb se, kadar se določbe nanašajo na delničarja, šteje, da se nanašajo na člana skupščine, razen v primeru določbe, ki ureja vložitev tožbe zaradi izpodbijanja sklepa skupščine, kjer se šteje, da se nanašajo na člana družbe za vzajemno zavarovanje.

2.8.6. Prenehanje družbe za vzajemno zavarovanje

more than 10 members of the mutual insurance company shall be deemed an organised collection of authorisations. The notification shall include the contact information of the authorised person, the proposal for the authorised person to vote on each proposed resolution and the disclosure of circumstances regarding possible conflict of interest referred to in paragraph four of this Article. A mutual insurance company shall no later than 18 days prior to the session of the general meeting publish the notifications in the media or electronic media of the company or on the company's website, if such exists.

(7) An authorised person that has collected more than ten authorisations shall notify the mutual insurance company of the number of collected authorisations no later than 7 days prior to the general meeting being held. The notification shall include the instructions from the members on voting of the authorised person and the number of members.

(8) The mutual insurance company shall no later than 5 days prior to the general meeting being held publish the notice referred to in the preceding paragraph in the media or electronic media of the company or on the company's website, if such exists.

(9) Authorisations collected contrary to this Article shall be null and void.

Article 103
(Voidness and voidability of the general meeting’s resolutions)

With regard to the voidness or voidability of resolutions adopted by the general meeting of a mutual insurance company, the provisions of the Act governing companies which govern voidness and voidability, other than the provisions governing the contesting of the resolution to increase the share capital, shall apply *mutatis mutandis*. In the application *mutatis mutandis* of provisions when referring to a shareholder, it shall be deemed that they refer to a member of the general meeting, except in the case of the provision that governs filing an action to contest a decision of the general meeting, where it is deemed that they refer to a member of a mutual insurance company.

2.8.6. Winding up of a mutual insurance company

104. člen
(razlogi prenehanja)

Družba za vzajemno zavarovanje preneha:
1. s pretekom časa, za katerega je bila ustanovljena;
2. na podlagi sodne odločbe;
3. na podlagi sklepa skupščine o prenehanju družbe in ob začetku likvidacijskega postopka (sklep o likvidaciji);
4. če je nad družbo zaključen stečajni postopek oziroma postopek prisilne likvidacije;
5. z združitvijo v drugo družbo;
6. s preoblikovanjem v delniško družbo;
7. s prenosom vseh zavarovalnih pogodb družbe za vzajemno zavarovanje;
8. v primeru odvzema dovoljenja za opravljanje zavarovalnih poslov;
9. v drugih primerih, opredeljenih s statutom.

105. člen
(likvidacija družbe za vzajemno zavarovanje na podlagi sklepa skupščine o likvidaciji)

(1) Za prostovoljno likvidacijo družbe za vzajemno zavarovanje se poleg 71. do 75. člena tega zakona uporablja tudi ta člen.

(2) Za veljavnost sklepa skupščine o likvidaciji je potrebno dovoljenje Agencije za zavarovalni nadzor. Agencija za zavarovalni nadzor lahko zavrne zahtevo za izdajo dovoljenja samo, če v primeru prenehanja družbe za vzajemno zavarovanje interesi zavarovalcev, zavarovancev ali drugih upravičencev ne bi bili v zadostni meri zaščiteni.

(3) Sredstva, vplačana za oblikovanje ustanovnega kapitala, in sredstva na računih članov družbe, ki so upoštevana kot osnovni lastni viri sredstev, se lahko vrnejo šele, ko so poplačane druge obveznosti družbe, vključno z obveznostmi do članov iz zavarovanj, oziroma zagotovljeno ustrezno zavarovanje za poplačilo teh obveznosti.

Article 104
(Reasons for winding up)

A mutual insurance company shall be wound up:
1. upon the expiry of the period of time for which it was incorporated;
2. by a court decision;
3. on the basis of a resolution to wind up the company adopted by the general meeting and at the time of the commencement of liquidation proceedings (resolution to liquidate);
4. if either bankruptcy proceedings or the compulsory liquidation of the company is concluded;
5. if it merges with another company;
6. upon conversion into a public limited company;
7. by transfer of all insurance contracts of the mutual insurance company;
8. in the case of withdrawal of authorisation to conduct insurance business;
9. in other cases laid down in the articles of association.

Article 105
(Liquidation of a mutual insurance company based on a general meeting resolution to liquidate)

(1) For the voluntary liquidation of a mutual insurance company this Article shall also apply in addition to Articles 71 to 75 of this Act.

(2) For the validity of a general meeting resolution to liquidate, authorisation from the Insurance Supervision Agency shall be required. The Insurance Supervision Agency may reject the application for authorisation only if the interests of policyholders, insured persons or other beneficiaries are not adequately safeguarded due to the winding up of the mutual insurance company.

(3) The funds paid to form the initial capital and the funds in the accounts of members of a company considered basic own funds may be repaid only after the remaining obligations of the company have been repaid, including obligations to its members from insurance, or adequate security has been provided to meet these obligations.

(4) Premoženje, ki ostane po poplačilu oziroma zagotovitvi zavarovanja za poplačilo vseh obveznosti iz prejšnjega odstavka, se razdeli osebam, ki so bile člani družbe za vzajemno zavarovanje v trenutku sprejema sklepa skupščine o likvidaciji družbe. Razdelitev se opravi po merilih, ki jih statut določa za razdelitev dobička članom.

106. člen
(združitev)

(1) Dve ali več družb za vzajemno zavarovanje se lahko združijo:

1. s prenosom premoženja ene ali več družb (prevzeta družba) na drugo družbo (prevzemna družba), pri čemer postanejo člani prevzetih družb člani prevzemne družbe (pripojitev);

2. z ustanovitvijo nove družbe za vzajemno zavarovanje, na katero se prenese premoženje prevzetih družb, pri čemer postanejo člani prevzetih družb člani novoustanovljene prevzemne družbe (spojitev).

(2) Za združitev je potrebno soglasje skupščin družb, ki se združujejo. Za sklep skupščine o soglasju k združitvi je potrebna tričetrtinska večina oddanih glasov, če statut ne določa večje večine.

(3) Prevzete družbe z združitvijo prenehajo, ne da bi bila prej opravljena njihova likvidacija.

(4) Z združitvijo preidejo na prevzemno družbo vse premoženje ter pravice in obveznosti prevzete družbe. Prevzemna družba kot univerzalni pravni naslednik vstopi v vsa pravna razmerja, katerih subjekt je bila prevzeta družba.

(5) Če ni v prejšnjih odstavkih drugače določeno, se za združitev družb za vzajemno zavarovanje smiselno uporabljajo določbe zakona, ki ureja gospodarske družbe, ki urejajo pripojitev.

(4) The assets that remain after repayment or ensuring adequate security to meet all obligations referred to in the preceding paragraph, shall be distributed to persons who were members of the mutual insurance company at the time of adoption of the decision to liquidate the company by the general meeting. The distribution shall be executed according to the criteria as determined in the articles of association for the distribution of profit to members.

Article 106
(Merger)

(1) Two or more mutual insurance companies may be merged:

1. by transferring the assets of one or several companies (acquired company) to another company (acquiring company), whereby members of the acquired companies become members of the acquiring company (acquisition);
2. by establishing a new mutual insurance company to which assets of acquired companies are transferred, whereby members of the acquired companies become members of the newly-established acquiring company (merger).

(2) For a merger, consent of the general meetings of the merging companies shall be required. Unless no higher majority is laid down in the articles of association, a three-quarters majority of all the votes cast shall be required for a resolution on merger to be adopted by the general meeting.

(3) Acquired companies shall be wound up upon merger without prior liquidation.

(4) By merger all assets and rights and obligations of the acquired company shall be transferred to the acquiring company. The acquiring company shall, as the universal legal successor, enter into all legal relationships in which the acquired company was the subject.

(5) Unless otherwise provided by the preceding paragraphs, the provisions of the Act governing companies which govern acquisition shall apply, *mutatis mutandis*, to mergers of mutual insurance companies.

107. člen
(dovoljenje za združitev)

(1) Družba za vzajemno zavarovanje pred združitvijo z drugo družbo za vzajemno zavarovanje pridobi dovoljenje Agencije za zavarovalni nadzor. Za odločanje o zahtevi za izdajo dovoljenja za združitev se smiselno uporabljajo 115., 117. in 119. do 121. člen tega zakona.

(2) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za združitev, če organ, pristojen za varstvo konkurence, zavrne zahtevo za izdajo soglasja za združitev oziroma prepove združitev na podlagi zakona, ki ureja varstvo konkurence.

(3) Če zaradi združitve nastane nova pravna oseba, ki bo opravljala zavarovalne posle, nova pravna oseba pred vpisom združitve v sodni register pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje zavarovalnih poslov.

(4) Če se družba za vzajemno zavarovanje pripoji prevzemni družbi, ki ni družba za vzajemno zavarovanje, oziroma če del sredstev in obveznosti družbe za vzajemno zavarovanje na podlagi delitve s prevzemom prevzame prevzemna družba, ki ni družba za vzajemno zavarovanje, in če bo prevzemna družba v navedenih primerih opravljala zavarovalne posle, prevzemna družba pred vpisom združitve v sodni register pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje zavarovalnih poslov.

(5) V primerih iz tretjega oziroma četrtega odstavka tega člena Agencija za zavarovalni nadzor združi postopek odločanja o dovoljenju za združitev in postopek odločanja o dovoljenju za opravljanje zavarovalnih poslov.

(6) Določbe prejšnjih odstavkov se smiselno uporabljajo tudi v primeru delitve družbe za vzajemno zavarovanje.

108. člen

Article 107
(Merger authorisation)

(1) A mutual insurance company shall obtain merger authorisation from the Insurance Supervision Agency prior to merging with another mutual insurance company. In deciding on merger authorisation, the provisions of Articles 115, 117, and 119 to 121 of this Act shall apply *mutatis mutandis*.

(2) The Insurance Supervision Agency shall reject an application for merger authorisation if the authority responsible for protection of competition rejects the application for merger authorisation or prohibits the merger pursuant to the Act governing the protection of competition.

(3) If due to merger a new legal person is formed that will conduct insurance business, prior to the registration of the merger in the court register the, new legal person shall obtain authorisation to conduct insurance business from the Insurance Supervision Agency.

(4) If a mutual insurance company merges by acquisition with a company which is not a mutual insurance company, or if part of the assets and liabilities of a mutual insurance company on the basis of a division by acquisition are acquired by an acquiring company which is not a mutual insurance company, and if the acquiring company in the aforementioned cases will conduct insurance business, the acquiring company, prior to the registration of the merger in the court register, shall obtain authorisation to conduct insurance business from the Insurance Supervision Agency.

(5) In the cases referred to in paragraph three or four of this Article, the Insurance Supervision Agency shall join the decision-making process regarding the merger authorisation and the decision-making process regarding authorisation to conduct insurance business.

(6) The provisions of the preceding paragraphs shall also apply, *mutatis mutandis*, in the case of division of a mutual insurance company.

Article 108

(prenos premoženja na zavarovalno delniško družbo)

(1) Družba za vzajemno zavarovanje lahko svoje celotno premoženje brez predhodne likvidacije prenese na zavarovalno delniško družbo.

(2) Za prenos premoženja družbe za vzajemno zavarovanje na zavarovalno delniško družbo se smiselno uporabljajo določbe zakona, ki ureja gospodarske družbe, ki urejajo pripojitev. Družba za vzajemno zavarovanje se šteje za prevzeto družbo, zavarovalna delniška družba pa za prevzemno družbo.

(3) Za sklep skupščine družbe za vzajemno zavarovanje o soglasju k pogodbi o pripojitvi je potrebna tričetrtinska večina oddanih glasov, če statut ne določa večje večine.

(4) Za prenos premoženja na zavarovalno delniško družbo je potrebno dovoljenje Agencije za zavarovalni nadzor. Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja, če bi preoblikovanje lahko ogrozilo interese članov.

109. člen
(preoblikovanje v delniško družbo)

(1) Družba za vzajemno zavarovanje se lahko preoblikuje v delniško družbo na podlagi sklepa skupščine. Za sklep skupščine je potrebna tričetrtinska večina oddanih glasov, če statut ne določa večje večine.

(2) Vsak član lahko do izteka tretjega dne pred zasedanjem skupščine ugovarja preoblikovanju s priporočenim pismom.

(3) Najpozneje s sklicem skupščine uprava družbe za vzajemno zavarovanje vse člane družbe obvesti o vsebini predlaganega sklepa o preoblikovanju na način, ki ga za objave družbe določa statut. V obvestilu je treba člane poučiti o pravici do ugovora iz prejšnjega odstavka in pravicah, ki izhajajo iz vloženega ugovora.

(Transfer of assets to a public limited insurance company)

(1) A mutual insurance company may transfer all its assets to a public limited insurance company without being first liquidated.

(2) With regard to the transfer of the assets of a mutual insurance company to a public limited insurance company, the provisions of the Act governing companies shall apply *mutatis mutandis*. The mutual insurance company shall be deemed the acquired company, and the public limited insurance company shall be deemed the acquiring company.

(3) Unless no higher majority is laid down in the articles of association, a three-quarters majority of all votes cast shall be required for the resolution approving the acquisition contract to be adopted by the general meeting of the mutual insurance company.

(4) For the transfer of assets to a public limited insurance company, authorisation from the Insurance Supervision Agency shall be required. The Insurance Supervision Agency shall reject an application for authorisation if the conversion could threaten members' interests.

Article 109
(Conversion into a public limited company)

(1) A mutual insurance company may be converted into a public limited company on the basis of a resolution adopted by the general meeting. Unless no higher majority is laid down in the articles of association, a three-quarters majority of all votes cast shall be required for the resolution to be adopted by the general meeting.

(2) Each member may, by the end of the third day prior to the general meeting, object to conversion by registered letter.

(3) The management board of a mutual insurance company shall, no later than by the time the general meeting is called, inform all company members of the contents of the proposed resolution on conversion in accordance with the method of the company's notifications laid down in the articles of association. The notification must include

(4) Za začetek in izvedbo postopka preoblikovanja družbe za vzajemno zavarovanje v delniško družbo je potrebno dovoljenje Agencije za zavarovalni nadzor. Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja, če bi preoblikovanje lahko ogrozilo interese članov.

110. člen
(sklep o preoblikovanju)

(1) Sklep o preoblikovanju določa osnovni kapital in znesek, na katerega se glasijo delnice, in druge za preoblikovanje potrebne spremembe statuta. Nominalni znesek osnovnega kapitala ne sme presegati vrednosti premoženja družbe za vzajemno zavarovanje, zmanjšane za njene obveznosti. Delnice z nominalnim zneskom se glasijo najmanj na najnižji znesek, določen v zakonu, ki ureja gospodarske družbe.

(2) Če sklep o preoblikovanju ne določa drugače, so člani družbe za vzajemno zavarovanje udeleženi v osnovnem kapitalu. Kadar sklep ne določa, da so vsi člani družbe za vzajemno zavarovanje v osnovnem kapitalu delniške družbe udeleženi z enakim deležem, se lahko delež posameznega člana določi samo na podlagi enega oziroma več naslednjih meril:

1. višine zavarovalne vsote,
2. višine prispevka (premije),
3. višine zahtevanega kritja v primeru življenjskih zavarovanj,
4. meril za razdelitev dobička,
5. čas trajanja članstva.

(3) Če udeležba posameznega člana ne doseže nominalnega zneska delnice, se njegov delež v osnovnem kapitalu ne upošteva. Drugi deleži se zaokrožijo tako, da so deljivi z nominalnim zneskom delnice in da je razdeljen celoten osnovni kapital.

(4) Če je nominalni znesek, s katerim je član udeležen v

information for members on the right to object referred to in the preceding paragraph and the rights arising from the objection lodged.

(4) For the initiation and completion of the procedure to convert a mutual insurance company into a public limited company, authorisation from the Insurance Supervision Agency shall be required. The Insurance Supervision Agency shall reject an application for authorisation if the conversion could threaten members' interests.

Article 110
(Resolution on conversion)

(1) A resolution on conversion shall determine the share capital and the amounts for which the shares will be issued, and other amendments to the articles of association necessary for the conversion. The nominal amount of the share capital must not exceed the value of the mutual insurance company's assets reduced by its obligations. Shares with a nominal amount must be at least equal to the minimum amount as provided by the Act governing companies.

(2) Unless otherwise provided by the resolution on conversion, the members of the mutual insurance company shall participate in the share capital. Where no provision is made in the resolution that all members of the mutual insurance company participate with equal holdings in the share capital of a public limited company, the holding of an individual member may only be determined on the basis of one or several criteria as follows:

1. the amount of the insurance sum,
2. the amount of the contribution (premium),
3. the amount of coverage required in the event of life insurance,
4. the criteria for the distribution of profits,
5. the period of membership.

(3) Should the participation of an individual member not reach the nominal amount of a share, their holding in the share capital shall not be taken into account. Other holdings shall be rounded out in such a way that it is divisible by the nominal amount of a share and that the total share capital is distributed.

(4) Should the nominal amount through which a member

osnovnem kapitalu delniške družbe, višji od deleža, določenega na podlagi prvega oziroma drugega odstavka tega člena, vplača član razliko delniški družbi. Če pa je nominalni znesek, s katerim je član udeležen v osnovnem kapitalu delniške družbe, nižji od deleža, določenega na podlagi prvega oziroma drugega odstavka tega člena, oziroma če član ni udeležen v osnovnem kapitalu delniške družbe, izplača razliko oziroma delež članu delniška družba.

participates in the share capital of the public limited company exceed the holding determined on the basis of paragraph one or two of this Article, the amount in excess must be paid to the public limited company by the member. Should the nominal amount through which a member participates in the share capital of the public limited company be lower than the holding determined on the basis of paragraph one or two of this Article, or should a member not participate in the share capital of the public limited company, the difference or the holding must be paid to the member by the public limited company.

111. člen
(izvedba preoblikovanja)

(1) Če ni v tem zakonu drugače določeno, se za preoblikovanje družbe za vzajemno zavarovanje v delniško družbo smiselno uporabljajo določbe zakona, ki ureja gospodarske družbe, ki urejajo ustanovitev delniške družbe in se nanašajo na posebne ugodnosti posameznim delničarjem ter ustanovitvene stroške, ustanovitveno poročilo, ustanovitveno revizijo ter nesoglasja med ustanovitelji in ustanovitvenimi revizorji ter določbe, ki urejajo prijavo preoblikovanja.

(2) Delniška družba obstaja od vpisa preoblikovanja v sodni register dalje. Člani družbe za vzajemno zavarovanje so od tega trenutka dalje delničarji v skladu s sklepom o preoblikovanju.

(3) Vsak delničar, ki je na način iz drugega odstavka 109. člena tega zakona ugovarjal preoblikovanju, lahko da svoje delnice družbi na razpolago. V takem primeru se smiselno uporabljajo določbe zakona, ki ureja gospodarske družbe, ki urejajo ugovarjajoče družbenike.

Article 111
(Implementation of conversion)

(1) Unless otherwise provided by this Act, the provisions of the Act governing companies which govern the establishment of a public limited company and relating to special benefits for particular shareholders and costs of establishment, the establishment report, establishment audit, and disagreements between founders and establishment auditors, and the provisions governing the notification of conversion shall apply, *mutatis mutandis*, to the conversion of a mutual insurance company into a public limited company.

(2) A public limited company shall exist from the entry of the conversion in the court register. From that moment on, members of the mutual insurance company shall be shareholders pursuant to the resolution on conversion.

(3) Any member who, according to the method referred to in paragraph two of Article 109, has lodged an objection against conversion may make their shares available to the company. In this case, the provisions of the Act governing companies which govern members lodging objections shall apply *mutatis mutandis*.

112. člen
(prenos zavarovalnih pogodb)

(1) Za prenos zavarovalnih pogodb je poleg pogojev, določenih v 516. do 519. členu tega zakona, potrebno tudi soglasje skupščine. Za sklep skupščine o soglasju k prenosu zavarovalnih pogodb je potrebna

Article 112
(Transfer of insurance contracts)

(1) In order to transfer insurance contracts, the approval of the general meeting shall also be required, in addition to the terms and conditions laid down in Articles 516 to 519 of this Act. Unless no higher

tričetrtinska večina oddanih glasov, če statut ne določa večje večine.

(2) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za prenos zavarovalnih pogodb, če interesi članov iz članskega razmerja v družbi za vzajemno zavarovanje zaradi prenosa zavarovalnih pogodb ne bi bili zaščiteni v zadostni meri.

3. poglavje:

OPRAVLJANJE ZAVAROVALNIH POSLOV

3.1. *Splošne določbe*

113. člen
(upravičenost opravljati zavarovalne posle)

(1) Zavarovalnica sme opravljati zavarovalne posle na območju Republike Slovenije, če pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje zavarovalnih poslov (v nadaljnjem besedilu: dovoljenje za opravljanje zavarovalnih poslov).

(2) Zavarovalnica, ki pridobi dovoljenje za opravljanje zavarovalnih poslov iz prejšnjega odstavka, sme zavarovalne posle, ki jih je upravičena opravljati na območju Republike Slovenije, opravljati tudi na:
1. območju druge države članice: prek podružnice ali neposredno, če so izpolnjeni pogoji, določeni v 3.2.2. pododdelku tega zakona;

2. območju tretje države: prek podružnice ali neposredno, če so izpolnjeni pogoji, določeni v 3.2.3. pododdelku tega zakona.

3.2. *Opravljanje zavarovalnih poslov*

3.2.1. Opravljanje zavarovalnih poslov na območju Republike Slovenije

majority is laid down in the articles of association, a three-quarters majority of all votes cast shall be required for the resolution to transfer insurance contracts to be adopted by the general meeting.

(2) The Insurance Supervision Agency shall refuse to grant authorisation to transfer insurance contracts if, due to the transfer of insurance contracts, the members' interests arising from their membership of the mutual insurance company are not sufficiently safeguarded.

Chapter Three

CONDUCTING INSURANCE BUSINESS

3.1. *General Provisions*

Article 113
(Eligibility to conduct insurance business)

(1) An insurance undertaking may conduct insurance business in the territory of the Republic of Slovenia, if it is authorised by the Insurance Supervision Agency to conduct insurance business (hereinafter: authorisation to conduct insurance business).

(2) An insurance undertaking that has authorisation to conduct insurance business referred to in the preceding paragraph, may also conduct insurance business that it is eligible to conduct in the territory of the Republic of Slovenia in:
1. the territory of another Member State: either through a branch or directly, provided it fulfils the conditions laid down in Subsection 3.2.2 of this Act;
2. the territory of a third country: either through a branch or directly if it fulfils the conditions laid down in Subsection 3.2.3 of this Act.

3.2. *Conducting insurance business*

3.2.1. Conducting insurance business in the territory of the Republic of

114. člen
(dovoljenje za opravljanje zavarovalnih poslov)

Zavarovalnica pridobi dovoljenje za opravljanje zavarovalnih poslov pred vpisom svoje ustanovitve v sodni register.

115. člen
(zahteva za izdajo dovoljenja za opravljanje zavarovalnih poslov)

(1) Zahtevi za izdajo dovoljenja za opravljanje zavarovalnih poslov je treba priložiti:

1. statut zavarovalnice, v obliki overjenega prepisa notarskega zapisa;
2. poslovni načrt zavarovalnice in opis ureditve sistema upravljanja zavarovalnice iz 50. člena tega zakona;
3. seznam oseb, ki bodo pridobile kvalificiran delež v zavarovalnici, in višino kvalificiranega deleža, ki ga bo pridobil posamezni imetnik, ali če v zavarovalnici ne bo imetnikov kvalificiranih deležev, seznam dvajsetih največjih delničarjev zavarovalnice in višino deleža, ki ga bo pridobil posamezni delničar ob ustanovitvi zavarovalnice;
4. druge dokaze, ki dokazujejo, da so izpolnjeni pogoji za izdajo dovoljenja za opravljanje zavarovalnih poslov.

(2) Zahtevi za izdajo dovoljenja za opravljanje zavarovalnih poslov je priloženo tudi dokazilo, ki glede na vrste zavarovanj in obseg poslov zavarovalnice dokazuje, da:

1. ima zavarovalnica primerne osnovne lastne vire sredstev za pokritje zahtevanega minimalnega kapitala;
2. bo zavarovalnica sposobna zagotavljati primerne lastne vire sredstev za pokritje zahtevanega solventnostnega kapitala;
3. bo zavarovalnica sposobna zagotavljati primerne osnovne lastne vire sredstev za pokritje zahtevanega minimalnega kapitala;
4. bo zavarovalnica sposobna izpolnjevati zahteve 4. poglavja tega

Article 114
(Authorisation to conduct insurance business)

An insurance undertaking shall obtain authorisation to conduct insurance business before the entry of its establishment in the court register.

Article 115
(Application for authorisation to conduct insurance business)

(1) The following must be attached to an application for authorisation to conduct insurance business:

1. the articles of association of the insurance undertaking in the form of a certified copy of a notarial deed;
2. business plan of the insurance undertaking and a description of the governance system of the insurance undertaking as referred to in Article 50 of this Act;
3. a list of persons that will acquire a qualifying holding in the insurance undertaking, and the amount of the qualifying holding that will be acquired by each holder, or if an insurance undertaking will not have any qualifying holders, a list of the twenty principal shareholders of the insurance undertaking and the share amount that will be acquired by each shareholder upon the establishment of the insurance undertaking;
4. other evidence that proves that the conditions for granting authorisation to conduct insurance business are fulfilled.

(2) The application for authorisation to conduct insurance business shall include evidence that proves in relation to the insurance classes and the scope of business of an insurance undertaking that:

1. the insurance undertaking has eligible basic own funds in order to cover the minimum capital requirement;
2. the insurance undertaking will be able to provide eligible own funds in order to meet the solvency capital requirement;
3. the insurance undertaking will be able to provide eligible basic own funds in order to meet the minimum capital requirement;
4. the insurance undertaking will be able to fulfil the requirements

zakona in na njegovi podlagi izdanih predpisov.

116. člen
(poslovni načrt)

(1) Poslovni načrt iz 2. točke prvega odstavka 115. člena tega zakona vsebuje:
1. temelje poslovne politike;
2. navedbo posameznih zavarovalnih vrst, v katerih bo zavarovalnica opravljala zavarovalne posle;
3. program predvidenega pozavarovanja s tabelami maksimalnega kritja za vse zavarovalne vrste;
4. opredelitev posamičnih sestavin osnovnih lastnih virov sredstev, ki pokrivajo osnovni kapital iz 29. člena tega zakona;
5. predvideno višino ustanovnih stroškov in organizacijskih stroškov ter vire financiranja teh stroškov.

(2) Poleg zahtev iz prvega odstavka tega člena poslovni načrt za prva tri poslovna leta vključuje tudi:

1. načrtovano bilanco stanja za namen ugotavljanja kapitalske ustreznosti;
2. oceno ter metodo izračuna zahtevanega solventnostnega kapitala, ki temelji na načrtovani bilanci stanja iz prejšnje točke;

3. oceno zahtevanega minimalnega kapitala, ki temelji na načrtovani bilanci stanja iz prve točke tega odstavka;
4. oceno finančnih sredstev, namenjenih za kritje zavarovalno-tehničnih rezervacij, zahtevanega minimalnega kapitala in zahtevanega solventnostnega kapitala;
5. elaborat o pričakovanih poslovnih izidih, zlasti o pričakovanih premijskih prihodkih, pričakovanih odškodninah oziroma zavarovalninah, pričakovanih stroških za provizije in drugih obratovalnih stroških ter o pričakovanem oblikovanju zavarovalno-tehničnih rezervacij in rezerv.

(3) Če se poslovni načrt nanaša na zavarovalne posle sklepanja pozavarovanj, vsebuje sestavine iz 1., 4. in 5. točke prvega odstavka tega člena, sestavine prejšnjega odstavka ter podatke ali

referred to in Chapter Four of this Act and regulations issued on its basis.

Article 116
(Business plan)

(1) The business plan referred to in point 2 of paragraph one of Article 115 of this Act shall contain:
1. basic features of the business policy;
2. an indication of individual insurance classes within which the insurance undertaking intends to perform insurance business;
3. a programme of expected reinsurance, including the tables of maximum coverage for all classes of insurance;
4. a definition of individual components of basic own funds that cover the share capital referred to in Article 29 of this Act;
5. the expected amount of establishment and organisational costs and financing sources for these costs.

(2) In addition to the requirements referred to in paragraph one of this Article, the business plan for the first three business years shall also include:
1. an envisaged balance sheet for the purpose of determining capital adequacy;
2. an estimate and method for calculating the solvency capital requirement, which shall be based on the envisaged balance sheet referred to in the preceding point;
3. an estimate of the minimum capital requirement, based on the estimated balance sheet referred to in point 1 of this paragraph;
4. an estimate of financial resources intended to cover technical provisions, the minimum capital requirement, and the solvency capital requirement;
5. an expert report on the expected profit and loss results, in particular on the expected premium revenue, expected indemnities or benefits, expected costs of commission and other operating costs and expected formation of technical provisions and reserves.

(3) If the business plan refers to insurance business concerning reinsurance, it shall include the components referred to in points 1, 4 and 5 of paragraph one of this Article, the components referred to in the

dokazila o:
1. naravi nevarnosti, ki jih zavarovalnica želi kriti;

2. vrstah ureditev pozavarovanja, ki jih zavarovalnica želi sklepati s cedenti;
3. vodilnih načelih glede retrocesije.

(4) Če namerava zavarovalnica opravljati obvezna zavarovanja v prometu ali dopolnilno zdravstveno zavarovanje, obsega poslovni načrt tudi splošne in posebne zavarovalne pogoje, premijske sisteme ter druge zavarovalne podlage za izračun zavarovalnih premij in za oblikovanje zavarovalno-tehničnih rezervacij.

(5) Če namerava zavarovalnica opravljati zavarovalne posle v zavarovalni vrsti iz 18. točke drugega odstavka 7. člena tega zakona, poslovni načrt obsega tudi opis sredstev, s katerimi zavarovalnica razpolaga in ki so potrebna za izpolnitev nedenarnih obveznosti (nudenja pomoči) zavarovalnice iz teh zavarovanj.

117. člen
(združitev postopka odločanja o dovoljenjih)

Agencija za zavarovalni nadzor hkrati odloči o naslednjih zahtevah za izdajo dovoljenj:
1. o zahtevi zavarovalnice za izdajo dovoljenja za opravljanje zavarovalnih poslov,
2. o zahtevah bodočih kvalificiranih imetnikov delnic zavarovalnice iz prejšnje točke za izdajo dovoljenja za pridobitev kvalificiranega deleža,
3. o zahtevah kandidatov za člane uprave zavarovalnice iz 1. točke tega člena za izdajo dovoljenja za opravljanje funkcije člana uprave zavarovalnice.

118. člen
(obseg dovoljenja za opravljanje zavarovalnih poslov)

(1) Agencija za zavarovalni nadzor odloči o izdaji dovoljenja za

preceding paragraph and information or evidence regarding:
1. the nature of the risks which the insurance undertaking proposes to cover;
2. the kinds of reinsurance arrangements which the insurance undertaking proposes to conclude with ceding undertakings;
3. the guiding principles with regard to retrocession.

(4) If an insurance undertaking intends to conduct compulsory insurance in transport or supplementary health insurance, its business plan shall also include general and special insurance conditions, premium systems and other insurance bases for the calculation of insurance premiums and the formation of technical provisions.

(5) If an insurance undertaking intends to conduct insurance business in the insurance class referred to in point 18 of paragraph two of Article 7 of this Act, its business plan shall also include the specification of funds available to the insurance undertaking and which are necessary to fulfil the non-monetary obligations (provision of assistance) of the insurance undertaking arising from this insurance class.

Article 117
(Joining the decision-making procedure regarding authorisations)

The Insurance Supervision Agency shall simultaneously decide on the following applications for authorisations:
1. an application from an insurance undertaking for authorisation to conduct insurance business,
2. applications for authorisation to acquire a qualifying holding by the future qualifying holders of the insurance undertaking referred to in the preceding point,
3. applications by the candidate for member of the management board of the insurance undertaking referred to in point 1 of this Article for authorisation to perform the function of a member of the management board.

Article 118
(Scope of authorisation to conduct insurance business)

(1) The Insurance Supervision Agency shall decide on the

vsako zavarovalno vrsto, v kateri sme zavarovalnica opravljati zavarovalne posle.

(2) Agencija za zavarovalni nadzor izda dovoljenje za opravljanje zavarovalnih poslov v posamezni zavarovalni vrsti, če ugotovi, da zavarovalnica izpolnjuje pogoje za opravljanje zavarovalnih poslov v tej zavarovalni vrsti.

(3) V izreku dovoljenja Agencija za zavarovalni nadzor izrecno navede zavarovalne vrste, za katere dovoljenje velja. Če dovoljenje velja za vse zavarovalne vrste iz posamezne zavarovalne podskupine, lahko Agencija za zavarovalni nadzor v izreku dovoljenja navede to zavarovalno podskupino.

(4) Ne glede na prvi do tretji odstavek tega člena odloči Agencija za zavarovalni nadzor o izdaji dovoljenja pozavarovalnici za opravljanje zavarovalnih poslov sklepanja pozavarovanj v zavarovalni skupini premoženjska zavarovanja ali zavarovalni skupini življenjska zavarovanja ali v obeh zavarovalnih skupinah iz drugega odstavka 26. člena tega zakona in v izreku dovoljenja navede, da velja izključno za zavarovalne posle sklepanja pozavarovanj.

(5) Ne glede na prvi do tretji odstavek tega člena odloči Agencija za zavarovalni nadzor o izdaji dovoljenja zavarovalnici za opravljanje zavarovalnih poslov sklepanja pozavarovanj v zavarovalni skupini iz drugega odstavka 26. člena tega zakona, v kateri ima zavarovalnica dovoljenje za opravljanje zavarovalnih poslov, oziroma v obeh zavarovalnih skupinah, če zaprosi kompozitna zavarovalnica za izdajo dovoljenja za opravljanje zavarovalnih poslov sklepanja pozavarovanj v obeh zavarovalnih skupinah.

(6) Določbe tega poglavja, ki se v zvezi z odločanjem o izdaji dovoljenja za opravljanje zavarovalnih poslov nanašajo na posamezno zavarovalno vrsto, se pri odločanju o izdaji dovoljenja za opravljanje zavarovalnih poslov sklepanja pozavarovanj uporabljajo za posamezno zavarovalno skupino.

119. člen
(odločanje o zahtevi za izdajo dovoljenja za opravljanje zavarovalnih

granting of authorisation for every insurance class within which the insurance undertaking is permitted to conduct insurance business.

(2) The Insurance Supervision Agency shall issue authorisation to conduct insurance business within an individual insurance class, if it establishes that the insurance undertaking meets the conditions for conducting insurance business within the insurance class in question.

(3) In the operative part of the authorisation, the Insurance Supervision Agency shall explicitly state the insurance classes to which the authorisation applies. Should the authorisation apply to all insurance classes under an individual insurance subgroup, the Insurance Supervision Agency may state this insurance subgroup in the operative part of the authorisation.

(4) Notwithstanding paragraphs one to three of this Article, the Insurance Supervision Agency shall decide on the granting of authorisation to a reinsurance undertaking to conduct reinsurance business in the non-life insurance group or the life insurance group or in both insurance groups referred to in paragraph two of Article 26 of this Act, and state in the operative part of the authorisation that the latter applies exclusively to reinsurance business.

(5) Notwithstanding paragraphs one to three of this Article, the Insurance Supervision Agency shall decide on the granting of authorisation to an insurance undertaking to conduct reinsurance business in the insurance group referred to in paragraph two of Article 26 of this Act in which the insurance undertaking has authorisation to conduct insurance business or in both insurance groups if a composite insurance undertaking requests authorisation to conduct reinsurance business in both insurance groups.

(6) The provisions of this Chapter which in relation to the decision-making on granting authorisation to conduct insurance business refer to an individual insurance class, shall apply to an individual insurance group in relation to the decision-making on granting authorisation to conduct reinsurance business.

Article 119
(Decision-making on application for authorisation to conduct

poslov)

Agencija za zavarovalni nadzor izda zavarovalnici dovoljenje za opravljanje zavarovalnih poslov, če:

1. je statusna ureditev zavarovalnice v skladu z 2. poglavjem tega zakona;
2. so delničarji, ki so imetniki kvalificiranih deležev, pridobili dovoljenje za pridobitev kvalificiranega deleža v zavarovalnici;
3. so kandidati za člane uprave zavarovalnice pridobili dovoljenje za opravljanje funkcije člana uprave zavarovalnice;
4. je načrtovani sistem upravljanja tveganj iz 154. člena tega zakona ustrezen in primeren za upravljanje tveganj, ki jim bo zavarovalnica pri opravljanju načrtovanih poslov izpostavljena.

120. člen
(posvetovanje z nadzornimi organi drugih držav članic)

(1) Agencija za zavarovalni nadzor se pred izdajo dovoljenja za opravljanje zavarovalnih poslov posvetuje z nadzornimi organi druge države članice, če je zavarovalnica, na katero se nanaša zahteva za izdajo dovoljenja:

1. podrejena oseba zavarovalnice, kreditne institucije ali investicijskega podjetja s sedežem v EU, ki je v drugi državi članici pridobila dovoljenje za opravljanje zavarovalnih poslov, bančnih storitev ali storitev v zvezi z vrednostnimi papirji;
2. podrejena oseba osebe, ki je nadrejena zavarovalci, kreditni instituciji ali investicijskemu podjetju s sedežem v EU, ki je v drugi državi članici pridobila dovoljenje za opravljanje zavarovalnih poslov, bančnih storitev ali storitev v zvezi z vrednostnimi papirji.

(2) Agencija za zavarovalni nadzor se pred izdajo dovoljenja za opravljanje zavarovalnih poslov posvetuje z nadzornimi organi drugih držav članic tudi, če je zavarovalnica, na katero se nanaša zahteva za izdajo tega dovoljenja, družba, ki jo obvladuje ista fizična ali pravna oseba, ki obvladuje zavarovalnico, kreditna institucijo ali investicijsko podjetje s sedežem v EU.

insurance business)

The Insurance Supervision Agency shall issue authorisation to conduct insurance business to an insurance undertaking if:

1. the status of the insurance undertaking is in compliance with Chapter Two of this Act;
2. the shareholders who are holders of qualifying holdings have acquired authorisation for the acquisition of a qualifying holding in the insurance undertaking;
3. candidates for members of the management board of the insurance undertaking have acquired authorisation to perform the function of a member of the management board of the insurance undertaking;
4. the planned risk management system referred to in Article 154 of this Act is adequate and appropriate for managing risks that the insurance undertaking will be exposed to in conducting planned business.

Article 120
(Consultation with supervisory authorities of other Member States)

(1) The Insurance Supervision Agency shall, before granting authorisation to conduct insurance business, consult with the supervisory authorities of other Member States, if the insurance undertaking which is the subject of the application for authorisation, is:

1. a controlled undertaking of an insurance undertaking, a credit institution or an investment firm with its head office in the EU which has obtained authorisation to conduct insurance business, banking services or services relating to securities in another Member State;
2. a controlled undertaking of a person that is a parent to an insurance undertaking, a credit institution or an investment firm with its head office in the EU, which has obtained authorisation to conduct insurance business, banking services or services relating to securities in another Member State.

(2) The Insurance Supervision Agency shall, before granting authorisation to conduct insurance business, consult with the supervisory authorities of other Member States, even if the insurance undertaking to which the authorisation relates is an undertaking controlled by the same natural or legal person that controls the insurance undertaking, a credit institution or an investment firm with its head office in the EU.

(3) Agencija za zavarovalni nadzor se z nadzornimi organi držav članic posvetuje in izmenjava informacije zlasti o primernosti delničarjev, dobrem imenu in izkušnjah članov uprav ter nosilcev ključnih funkcij družb znotraj iste skupine ter tudi o izpolnjevanju kadrovskih, organizacijskih in tehničnih pogojev za opravljanje zavarovalnih poslov.

121. člen
(zavrnitev zahteve za izdajo dovoljenja za opravljanje zavarovalnih poslov)

(1) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za opravljanje zavarovalnih poslov, če niso izpolnjeni pogoji po tem ali drugih zakonih oziroma na njegovi podlagi izdanih predpisih za opravljanje zavarovalnih poslov oziroma za opravljanje zavarovalnih poslov v zavarovalni vrsti, na katero se nanaša zahteva za izdajo dovoljenja.

(2) Ne glede na prejšnji odstavek Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za opravljanje zavarovalnih poslov v delu, v katerem se nanaša na obvezna zavarovanja v prometu, če so splošni in posebni zavarovalni pogoji v nasprotju z zakonom, ki ureja obvezna zavarovanja v prometu.

122. člen
(prenehanje dovoljenja za opravljanje zavarovalnih poslov)

(1) Dovoljenje za opravljanje zavarovalnih poslov preneha:
1. če zavarovalnica ne začne poslovati v enem letu od izdaje dovoljenja,
2. če zavarovalnica preneha opravljati zavarovalne posle za več kot šest mesecev,
3. z izdajo odločbe Agencije za zavarovalni nadzor o ugotovitvi pogojev za začetek stečajnega postopka oziroma o začetku prisilne likvidacije nad zavarovalnico,
4. z zaključkom redne likvidacije zavarovalnice,
5. s spremembo dejavnosti zavarovalnice ali

(3) The Insurance Supervision Agency shall consult and exchange information with the supervisory authorities of Member States regarding the suitability of shareholders, the reputation and experience of members of the management boards and holders of key functions within the same group, and on the meeting of personal, organisational and technical conditions for conducting insurance business.

Article 121
(Rejection of application for authorisation to conduct insurance business)

(1) The Insurance Supervision Agency shall reject an application for authorisation to conduct insurance business if the conditions pursuant to this Act or other Acts or regulations issued on the basis thereof to conduct insurance business or to conduct insurance business in the insurance class to which the application for authorisation refers are not fulfilled.

(2) Notwithstanding the preceding paragraph, the Insurance Supervision Agency shall refuse to grant authorisation to conduct insurance business in the part relating to compulsory insurance in transport, if general or special policy conditions are in contravention of the Act regulating compulsory insurance in transport.

Article 122
(Termination of authorisation to conduct insurance business)

(1) Authorisation to conduct insurance business shall terminate:
1. if the insurance undertaking fails to commence its business within one year of authorisation being issued,
2. if the insurance undertaking ceases to conduct its business for more than six months,
3. by decision of the Insurance Supervision Agency on establishment of the grounds for the initiation of bankruptcy proceedings or compulsory liquidation of the insurance undertaking,
4. upon the conclusion of regular liquidation of the insurance undertaking,
5. if the insurance undertaking’s activity is modified or

6. s prenosom vseh zavarovalnih pogodb na drugo zavarovalnico.

(2) Če je zavarovalnici prenehalo dovoljenje za opravljanje zavarovalnih poslov v vseh zavarovalnih vrstah v posamezni zavarovalni skupini, za katero je pridobila dovoljenje za opravljanje zavarovalnih poslov sklepanja pozavarovanj, ji istočasno preneha tudi dovoljenje za opravljanje zavarovalnih poslov sklepanja pozavarovanj v isti zavarovalni skupini.

(3) Če nastopi razlog iz prvega ali drugega odstavka tega člena, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da je dovoljenje prenehalo.

(4) Zavarovalnica ne sme več sklepati novih poslov v zvezi z opravljanjem zavarovalnih poslov:
1. v primeru iz 1. in 2. točke prvega odstavka tega člena z iztekom roka, v katerem dovoljenje preneha veljati;

2. v primeru iz 3. točke prvega odstavka tega člena z vročitvijo odločbe Agencije za zavarovalni nadzor o ugotovitvi pogojev za začetek stečaja oziroma o začetku prisilne likvidacije;

3. v primeru iz 4. točke prvega odstavka tega člena s sprejetjem sklepa skupščine zavarovalnice o začetku likvidacijskega postopka;

4. v primeru iz 5. točke prvega odstavka tega člena s sprejetjem sklepa skupščine o spremembi dejavnosti zavarovalnice;

5. v primeru iz 6. točke prvega odstavka tega člena, ko zavarovalnica pridobi dovoljenje Agencije za zavarovalni nadzor za prenos vseh zavarovalnih pogodb.

(5) V primeru prenehanja dovoljenja za opravljanje zavarovalnih poslov Agencija za zavarovalni nadzor obvesti nadzorne organe drugih držav članic.

123. člen
(obvestilo Agencije za zavarovalni nadzor o začetku opravljanja zavarovalnih poslov v posamezni zavarovalni vrsti)

6. upon the transfer of all insurance contracts to another insurance undertaking.

(2) If the insurance undertaking's authorisation to conduct insurance business in all insurance classes in an individual insurance group for which it has obtained authorisation to conduct reinsurance business is terminated, the authorisation to conduct reinsurance business in the same insurance group shall also be terminated.

(3) Should the reason referred to in paragraph one or two of this Article arise, the Insurance Supervision Agency shall issue a decision establishing that the authorisation has been terminated.

(4) An insurance undertaking shall not be allowed to conclude any new insurance business:
1. in the case referred to in points 1 and 2 of paragraph one of this Article upon expiry of the period in which the authorisation is terminated;
2. in the case referred to in point 3 of paragraph one of this Article, upon the decision of the Insurance Supervision Agency establishing the conditions to initiate bankruptcy proceedings or compulsory liquidation being served;
3. in the case referred to in point 4 of paragraph one of this Article, upon the resolution of the general meeting of the insurance undertaking to initiate liquidation proceedings;
4. in the case referred to in point 5 of paragraph one of this Article, upon adoption of the resolution of the general meeting to modify the activity of the insurance undertaking;
5. in the case referred to in point 6 of paragraph one of this Article, when the insurance undertaking obtains authorisation from the Insurance Supervision Agency to transfer all insurance contracts.

(5) If the case of termination of authorisation to conduct insurance business, the Insurance Supervision Agency shall notify the supervisory authorities of other Member States.

Article 123
(Notification of Insurance Supervision Agency to commence insurance business in an individual insurance class)

Zavarovalnica obvesti Agencijo za zavarovalni nadzor o začetku oziroma prenehanju opravljanja zavarovalnih poslov v posamezni zavarovalni vrsti, za katere je pridobila dovoljenje.

124. člen
(sprememba zavarovalnih vrst)

(1) Zavarovalnica, ki je pridobila dovoljenje za opravljanje zavarovalnih poslov v določenih zavarovalnih vrstah, pridobi v primeru, če namerava začeti opravljati zavarovalne posle v drugih zavarovalnih vrstah, dovoljenje Agencije za zavarovalni nadzor za takšno spremembo zavarovalnih vrst.

(2) Za odločanje o zahtevi za izdajo dovoljenja za spremembo zavarovalnih vrst iz prejšnjega odstavka se smiselno uporabljajo 114. do 121. člen tega zakona.

(3) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za spremembo zavarovalnih vrst, če:
1. ugotovi, da bi bilo zaradi opravljanja poslov v zavarovalni vrsti, na katero se nanaša zahteva za izdajo dovoljenja, ogroženo poslovanje zavarovalnice v skladu z določbami tega zakona oziroma predpisov, izdanih na njegovi podlagi o upravljanju tveganj;

2. zavarovalnica ne izpolnjuje drugih pogojev za opravljanje zavarovalnih poslov v zavarovalni vrsti, na katero se nanaša zahteva za izdajo dovoljenja.

(4) Prvi do tretji odstavek tega člena se uporabljajo tudi, če zavarovalnica, ki je pridobila dovoljenje za opravljanje zavarovalnih poslov v določenih zavarovalnih vrstah, namerava začeti opravljati zavarovalne posle sklepanja pozavarovanj.

125. člen
(dovoljenje za združitev oziroma delitev)

(1) Če je zavarovalnica udeležena pri združitvi ali delitvi družb,

An insurance undertaking shall notify the Insurance Supervision Agency of commencement or termination of the conducting of insurance business in an individual insurance class for which it obtained authorisation.

Article 124
(Modification of insurance classes)

(1) An insurance undertaking which has been granted authorisation to conduct insurance business in certain insurance classes shall be required, if it intends to commence insurance business in other insurance classes, to obtain authorisation from the Insurance Supervision Agency for such modification of insurance classes.

(2) For the decision on an application for authorisation to modify the insurance classes referred to in the preceding paragraph, Articles 114 to 121 of this Act shall apply *mutatis mutandis*.

(3) The Insurance Supervision Agency shall refuse an application for authorisation to modify insurance classes, if:
1. it establishes that due to business conducted in the insurance class to which the application for authorisation refers, the operation of the insurance undertaking could be threatened in accordance with the provisions of this Act or the risk management regulations issued on its basis;
2. if the insurance undertaking fails to fulfil other conditions for conducting insurance business in the insurance class to which the application for authorisation refers.

(4) Paragraphs one to three of this Article shall also apply, if an insurance undertaking which has been granted authorisation to conduct insurance business in certain insurance classes intends to commence reinsurance business.

Article 125
(Authorisation for merger or division)

(1) If an insurance undertaking is involved in a merger or

pridobi dovoljenje Agencije za zavarovalni nadzor za to združitev oziroma delitev.

(2) Za odločanje o zahtevi za izdajo dovoljenja za združitev oziroma delitev se smiselno uporabljajo 114. do 121. člen tega zakona.

(3) Če zaradi izvedbe združitve oziroma delitve nastane nova družba, ki bo opravljala zavarovalne posle, ta nova družba pred vpisom združitve oziroma delitve v sodni register pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje zavarovalnih poslov.

(4) Prvi do tretji odstavek tega člena se smiselno uporabljajo tudi za druga statusna preoblikovanja, pri katerih je udeležena zavarovalnica.

(5) Zavarovalnica iz prvega odstavka tega člena obvesti zavarovalce z objavami v sredstvih javnega obveščanja na območju, na katerem zavarovanja, ki se prenašajo, krijejo nevarnosti, razen ob zavarovanju izvoznih kreditov, pri katerih je treba zavarovalce obvestiti v sredstvih javnega obveščanja na območju njihovega sedeža. Pozavarovalnicam pri obveščanju zavarovalcev ni treba uporabljati sredstev javnega obveščanja.

3.2.2. Opravljanje zavarovalnih poslov na območju države članice

126. člen
(opravljanje zavarovalnih poslov na območju države članice)

(1) Zavarovalnica lahko opravlja zavarovalne posle, za katere je pridobila dovoljenje Agencije za zavarovalni nadzor, na območju države članice prek podružnice ali neposredno.

(2) Šteje se, da zavarovalnica opravlja zavarovalne posle v državi članici, če sklepa zavarovanja, ki krijejo nevarnosti v tej državi članici ali če na območju države članice izvaja aktivnosti iz 2. točke 22. člena tega zakona.

division of companies, it shall obtain authorisation from the Insurance Supervision Agency for this merger or division.

(2) For the decision on an application for authorisation for a merger or division, the provisions of Articles 114 to 121 of this Act shall apply *mutatis mutandis*.

(3) If due to a merger or division a new company is created which will conduct insurance business, this new company shall, before entering the merger or division in the court register, obtain authorisation from the Insurance Supervision Agency to conduct insurance business.

(4) Paragraphs one to three of this Article shall also apply, *mutatis mutandis*, to other changes of legal status in which the insurance undertaking is involved.

(5) An insurance undertaking referred to in paragraph one of this Article shall notify policyholders by means of announcements in the mass media in the territory in which risks are covered by the insurance contracts being transferred, except for the insurance of export credits, where policyholders shall be notified by means of announcements in the mass media in the territory of their head office. Reinsurance undertakings shall not be required to make announcements in the mass media to notify policyholders.

3.2.2. Conducting insurance business in the territory of a Member State

Article 126
(Conducting insurance business in the territory of a Member State)

(1) An insurance undertaking may conduct insurance business for which it was granted authorisation by the Insurance Supervision Agency in the territory of a Member State, either through a branch or directly.

(2) An insurance undertaking which underwrites insurance that covers risks in a Member State or if it pursues activities referred to in point 2 of Article 22 of this Act in the territory of a Member State, shall be deemed to be conducting insurance business in that Member State.

(3) Pri določitvi države članice, v kateri zavarovanja krijejo nevarnosti, se uporablja 23. člen tega zakona.

127. člen
(obvestilo o nameri ustanovitve podružnice zavarovalnice v državi članici)

(1) Zavarovalnica, ki namerava ustanoviti podružnico v državi članici, o tem obvesti Agencijo za zavarovalni nadzor, in navede državo članico, v kateri namerava ustanoviti podružnico.

(2) Obvestilu o nameri ustanovitve podružnice, ki je izdelano v slovenskem jeziku in v jeziku države članice, zavarovalnica priloži naslednje informacije:

1. poslovni načrt, ki obsega vrste in obseg poslov, ki jih namerava opravljati prek podružnice, organizacijski ustroj podružnice in smiselno druge postavke, določene s 116. členom tega zakona;

2. naslov v državi članici, na katerem bo mogoče pridobiti in na katerega bo mogoče dostaviti dokumentacijo glede podružnice in sporočila pooblaščenim osebam iz 3. točke tega odstavka;
3. osebno ime, naslov stalnega ali začasnega prebivališča, davčno številko in EMŠO oseb, pooblaščenih za vodenje poslov podružnice.

(3) Šteje se, da obvestilo iz prvega odstavka tega člena obsega zahtevo, da Agencija za zavarovalni nadzor obvestilo s prilogami posreduje nadzornemu organu države članice, v kateri namerava zavarovalnica ustanoviti podružnico (v nadaljnjem besedilu: zahteva za posredovanje obvestila nadzornemu organu države članice).

128. člen
(posredovanje obvestila nadzornemu organu države članice)

(1) Agencija za zavarovalni nadzor zavrne zahtevo za

(3) In determining the Member State in which risks are covered by insurance, Article 23 of this Act shall apply.

Article 127
(Notification of intention to establish a branch of an insurance undertaking in a Member State)

(1) An insurance undertaking shall notify the Insurance Supervision Agency of its intention to establish a branch in a Member State, and specify the Member State in which it intends to establish the branch.

(2) The following shall be attached to the notification of intention to establish a branch, drawn up in the Slovenian language and in the language of the Member State:

1. a business plan that includes the type and scope of business which it intends to conduct through the branch, the organisational structure of the branch and other reasonable items provided by Article 116 of this Act;
2. the address in the Member State at which the documentation on the branch and communications to authorised persons referred to in point 3 of this paragraph may be obtained and delivered;
3. name and surname, address of permanent or temporary residence, tax number and personal identification number of persons authorised to manage the branch’s business.

(3) The notification referred to in paragraph one of this Article shall be deemed to include the request that the Insurance Supervision Agency will forward the notification with attachments to the supervisory authority of the Member State in which the insurance undertaking intends to establish a branch (hereinafter: request to forward notification to the supervisory authority of the Member State).

Article 128
(Forwarding notification to the supervisory authority of the Member State)

(1) The Insurance Supervision Agency shall reject a request to

posredovanje obvestila nadzornemu organu države članice, če ob upoštevanju obsega in vrste poslov, ki jih namerava zavarovalnica opravljati prek podružnice, obstaja utemeljen dvom o ustreznosti organizacije in upravljanja podružnice oziroma finančnega položaja zavarovalnice ter primernosti pooblaščenih predstavnikov v skladu s 57. členom tega zakona.

(2) Če Agencija za zavarovalni nadzor ne zavrne zahteve po prvem odstavku tega člena v treh mesecih po prejemu obvestila zavarovalnice s prilogami iz prejšnjega člena, to obvestilo s prilogami posreduje nadzornemu organu države članice in o tem obvesti zavarovalnico.

(3) Hkrati z obvestilom iz drugega odstavka tega člena Agencija za zavarovalni nadzor nadzornemu organu države članice posreduje tudi izjavo, iz katere je razvidno, da zavarovalnica krije zahtevani solventnostni kapital in zahtevani minimalni kapital.

(4) Če Agencija za zavarovalni nadzor zavrne zahtevo za posredovanje obvestila nadzornemu organu države članice, v roku iz drugega odstavka tega člena sporoči zavarovalnici razloge za zavrnitev.

(5) Če Agencija za zavarovalni nadzor v skladu s prvim odstavkom tega člena zavrne zahtevo za posredovanje obvestila nadzornemu organu države članice ali če zahteve za posredovanje obvestila v skladu z drugim odstavkom tega člena ne zavrne, vendar obvestila ne posreduje nadzornemu organu države članice v roku iz drugega odstavka tega člena, je zagotovljeno sodno varstvo, kakor da je bila zahteva za posredovanje obvestila zavrnjena.

129. člen
(začetek poslovanja podružnice v državi članici)

Zavarovalnica lahko ustanovi in začne opravljati zavarovalne posle preko podružnice:

forward notification to the supervisory authority of the Member State if, in consideration of the type and scope of business that an insurance undertaking intends to conduct through the branch, it concludes that there is a well-established doubt regarding the suitability of the organisation and management of the branch or the insurance undertaking's financial status, and the suitability of authorised representatives pursuant to Article 57 of this Act.

(2) If the Insurance Supervision Agency does not reject a request pursuant to paragraph one of this Article within three months of receiving the notification with attachments referred to in the preceding Article from the insurance undertaking, it shall forward the notification with attachments to the supervisory authority of the Member State and notify the insurance undertaking thereof.

(3) Simultaneously with the notification referred to in paragraph two of this Article, the Insurance Supervision Agency shall also forward a statement to the supervisory authority of the Member State establishing that the insurance undertaking covers the solvency capital requirement and the minimum capital requirement.

(4) If the Insurance Supervision Agency rejects a request for forwarding the notification to the supervisory authority of the Member State, it shall notify the insurance undertaking of the reasons for rejection within the time limit referred to in paragraph two of this Article.

(5) If the Insurance Supervision Agency rejects a request for the submission of a notification to the supervisory authority of a Member State in accordance with paragraph one of this Article or if it does not reject a request for the submission of a notification in accordance with paragraph two of this Article but fails to send the notification to the supervisory authority of a Member State within the time limit referred to in paragraph two of this Article, judicial protection shall be ensured as if a request for the submission of a notification had been rejected.

Article 129
(Start of operations of a branch in a Member State)

An insurance undertaking may establish and commence insurance business through a branch:

1. z dnem, ko jo Agencija za zavarovalni nadzor obvesti, da je prejela obvestilo nadzornega organa države članice o pogojih za opravljanje zavarovalnih poslov v državi članici, ki so namenjeni zaščiti javnih koristi, ali

2. z iztekom dveh mesecev od dneva, ko je nadzorni organ države članice prejel obvestilo Agencije za zavarovalni nadzor iz drugega odstavka 128. člena tega zakona, če Agencija za zavarovalni nadzor do izteka dveh mesecev ni prejela obvestila nadzornega organa države članice o pogojih za opravljanje zavarovalnih poslov v državi članici, ki so namenjeni zaščiti javnih koristi.

1. as of the date on which it is informed by the Insurance Supervision Agency that it has received a notification from the supervisory authority of a Member State on the conditions for conducting insurance business in a Member State which are intended to protect the public interest, or
2. upon the expiry of a two-month period from the date when the supervisory authority of a Member State received the notification referred to in paragraph two of Article 128 from the Insurance Supervision Agency provided that, up until the expiry of the two-month period, the Insurance Supervision Agency did not receive the notification of the supervisory authority of a Member State on the conditions for conducting insurance business in a Member State which are intended to protect the public interest.

130. člen
(obvestilo o spremembah glede podružnice v državi članici)

(1) Če namerava zavarovalnica spremeniti katerega od dejstev oziroma okoliščin iz drugega odstavka 127. člena tega zakona, o tem obvesti Agencijo za zavarovalni nadzor in nadzorni organ države članice en mesec pred izvršitvijo take spremembe.

(2) Za spremembo iz prejšnjega odstavka se smiselno uporabljajo 127. do 129. člen tega zakona, pri čemer posamezen rok iz drugega odstavka 128. člena in iz 2. točke 129. člena znašata en mesec.

Article 130
(Notice of changes concerning branch in a Member State)

(1) The insurance undertaking shall notify the Insurance Supervision Agency and the supervisory authority of the Member State of its intention to modify any of the facts or circumstances referred to in paragraph two of Article 127 of this Act one month prior to carrying out such modification.

(2) For the modification referred to in the preceding paragraph, Articles 127 to 129 of this Act shall apply, *mutatis mutandis*, while respecting that the time period referred to in paragraph two of Article 128 and point 2 of Article 129 shall be one month.

131. člen
(neposredno opravljanje zavarovalnih poslov v državi članici)

(1) Zavarovalnica, ki namerava začeti z neposrednim opravljanjem zavarovalnih poslov v državi članici, o tem obvesti Agencijo za zavarovalni nadzor in navede državo članico, v kateri namerava začeti z neposrednim opravljanjem te storitve. Obvestilu o nameri neposrednega opravljanja zavarovalnih poslov zavarovalnica priloži informacije glede vrste in obsega poslov po posameznih zavarovalnih vrstah, ki jih namerava opravljati v državi članici.

Article 131
(Direct conduct of insurance business in a Member State)

(1) An insurance undertaking which intends to directly conduct insurance business in a Member State shall notify the Insurance Supervision Agency thereof and specify the Member State in which it intends to commence direct provision of this service. The notification of the intention to directly conduct insurance business of the insurance undertaking shall be accompanied by information regarding the type and scope of business sorted into individual insurance classes which it intends to conduct in the Member State.

(2) Agencija za zavarovalni nadzor v enem mesecu po prejemu obvestila zavarovalnice iz prejšnjega odstavka to obvestilo posreduje nadzornemu organu države članice in o tem obvesti zavarovalnico. Hkrati z obvestilom Agencija za zavarovalni nadzor nadzornemu organu države članice posreduje tudi:

1. izjavo, iz katere je razvidno, da zavarovalnica krije zahtevani solventnostni kapital in zahtevani minimalni kapital, in

2. podatke o zavarovalnih vrstah, v katerih sme zavarovalnica opravljati zavarovalne posle, v skladu z dovoljenjem za opravljanje zavarovalnih poslov.

(3) Zavarovalnica lahko začne z neposrednim opravljanjem zavarovalnih poslov, navedenih v obvestilu iz prvega odstavka tega člena, v državi članici z dnem, ko prejme obvestilo iz prejšnjega odstavka.

(4) Če Agencija za zavarovalni nadzor zavrne posredovanje obvestila iz drugega odstavka tega člena nadzornemu organu države članice, v roku iz drugega odstavka tega člena zavarovalnici sporoči razloge za zavrnitev.

(5) Če Agencija za zavarovalni nadzor v skladu s prejšnjim odstavkom zavrne zahtevo za posredovanje obvestila nadzornemu organu države članice ali zahteve za posredovanje obvestila ne zavrne, vendar obvestila ne posreduje nadzornemu organu države članice v roku iz drugega odstavka tega člena, je zagotovljeno sodno varstvo, kakor da je bila zahteva za posredovanje obvestila zavrnjena.

131.a člen
(spremembe glede vrste poslov)

Če namerava zavarovalnica izvesti spremembo glede vrste in obsega poslov po posameznih zavarovalnih vrstah, o katerih je v skladu s

(2) The Insurance Supervision Agency shall, within one month of receiving the notification of the insurance undertaking referred to in the preceding paragraph, forward this notification to the supervisory authority of the Member State and notify the insurance undertaking thereof. Simultaneously with the notification, the Insurance Supervision Agency shall also forward the following to the supervisory authority of the Member State:
1. a statement establishing that the insurance undertaking covers the solvency capital requirement and the minimum capital requirement, and
2. information on the insurance classes in which the insurance undertaking may conduct insurance business according to the authorisation to conduct insurance business.

(3) An insurance undertaking may commence direct conducting of insurance business listed in the notification referred to in paragraph one of this Article, in a Member State upon the date of receipt of the notification referred to in the preceding paragraph.

(4) If the Insurance Supervision Agency refuses to submit the notification referred to in paragraph two of this Article to the supervisory authority of a Member State, it shall inform the insurance undertaking of the reasons for the refusal within the time limit referred to in paragraph two of this Article.

(5) If the Insurance Supervision Agency rejects a request for the submission of a notification to the supervisory authority of a Member State in accordance with the preceding paragraph or if it does not reject a request for the submission of a notification but fails to send the notification to the supervisory authority of a Member State within the time limit referred to in paragraph two of this Article, judicial protection shall be ensured as if a request for the submission of a notification had been rejected.

Article 131a
(Changes regarding the type of business)

If an insurance undertaking intends to make a change regarding the type and scope of business by individual insurance classes,

prvim odstavkom 131. člena tega zakona obvestila Agencijo za zavarovalni nadzor, mora o tem predhodno obvestiti Agencijo za zavarovalni nadzor, kot je določeno v 131. členu tega zakona.

of which it has notified the Insurance Supervision Agency in accordance with paragraph one of Article 131 of this Act, it shall notify the Insurance Supervision Agency thereof in advance as set out in Article 131 of this Act.

131.b člen
(obveščanje EIOPA in platforme za sodelovanje)

(1) Kadar namerava Agencija za zavarovalni nadzor izdati dovoljenje zavarovalnici, katere poslovni načrt izkazuje, da del njenih dejavnosti temelji na neposrednem opravljanju poslov in opravljanju poslov prek podružnice na območju druge države članice, ter oceni, da so te dejavnosti pomembne za trg države članice, Agencija za zavarovalni nadzor o tem obvesti nadzorni organ države članice in EIOPA.

(2) Agencija za zavarovalni nadzor obvesti EIOPA in nadzorni organ države članice, če ugotovi, da se je finančno stanje zavarovalnice, ki opravlja posle v državi članici, poslabšalo ali obstajajo druga tveganja v zvezi z opravljanjem poslov zavarovalnice, ki lahko vplivajo na trg države članice.

(3) Agencija za zavarovalni nadzor in nadzorni organ države članice lahko zadevo predložita EIOPA, in če ni mogoče najti dvostranske rešitve, zahtevata pomoč EIOPA.

(4) Obvestila iz prvega in drugega odstavka tega člena morajo biti dovolj podrobna, da omogočijo ustrezno presojo.

(5) Obvestila iz prvega in drugega odstavka tega člena ne posegajo v nadzorne pristojnosti Agencije za zavarovalni nadzor in nadzornega organa države članice, ki so določene v tem zakonu.

(6) Agencija za zavarovalni nadzor sodeluje v platformi za sodelovanje, ki jo je v primeru utemeljenih in resnih sumov o negativnem vplivu na zavarovalce, zavarovance in druge upravičence iz zavarovanj na lastno pobudo ali pobudo enega ali več nadzornih organov držav

Article 131b
(Notification of EIOPA and cooperation platforms)

(1) Where the Insurance Supervision Agency intends to issue an authorisation to an insurance undertaking whose business plan shows that part of its activities is based on direct business or business through a branch in another Member State and assesses that this business is relevant to the market of a Member State, the Insurance Supervision Agency shall inform the supervisory authority of the Member State and EIOPA thereof.

(2) The Insurance Supervision Agency shall inform EIOPA and the supervisory authority of a Member State if it finds that the financial situation of an insurance undertaking conducting business in a Member State has deteriorated or that there are other risks related to the insurance undertaking’s conduct of business that may affect the market of a Member State.

(3) The Insurance Supervision Agency and the supervisory authority of a Member State may refer the matter to EIOPA and, if no bilateral solution can be found, request the assistance of EIOPA.

(4) The notifications referred to in paragraphs one and two of this Article shall be sufficiently detailed to enable an appropriate assessment.

(5) The notifications referred to in paragraphs one and two of this Article shall be without prejudice to the supervisory powers of the Insurance Supervision Agency and the supervisory authority of a Member State, which are determined in this Act.

(6) The Insurance Supervision Agency shall participate in a cooperation platform set up on its own initiative or on the initiative of one or several supervisory authorities of the Member States referred to in this Article in the event of justified and serious suspicions of a negative impact

članic iz tega člena vzpostavila EIOPA z namenom okrepitve izmenjave informacij in spodbude sodelovanja med nadzornimi organi držav članic iz tega člena, kadar:

1. so posli, ki jih namerava zavarovalnica opravljati v državi članici, pomembni za trg države članice;
2. je Agencija za zavarovalni nadzor v skladu z drugim odstavkom tega člena obvestila EIOPA in nadzorni organ države članice o poslabšanju finančnega stanja zavarovalnice, ki opravlja posle v državi članici, ali o obstoju drugih tveganj v zvezi z opravljanjem poslov zavarovalnice, ki lahko vplivajo na trg države članice;

3. je nadzorni organ države članice obvestil Agencijo za zavarovalni nadzor in EIOPA o resnih in utemeljenih pomislekih glede varstva zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj v skladu s tretjim odstavkom 136.a člena tega zakona ali

4. je bila zadeva predložena EIOPA v skladu s tretjim odstavkom tega člena in posredovana zahteva EIOPA za pomoč pri oblikovanju dvostranske rešitve.

(7) Prejšnji odstavek ne posega v pravico Agencije za zavarovalni nadzor, da skupaj z drugimi udeleženimi nadzornimi organi iz tega člena vzpostavi platformo za sodelovanje, če se o vzpostavitvi platforme za sodelovanje strinjajo vsi udeleženi nadzorni organi.

(8) Vzpostavitev platforme za sodelovanje na podlagi šestega in sedmega odstavka tega člena ne posega v nadzorne pristojnosti Agencije za zavarovalni nadzor in nadzornih organov držav članic, ki jih določa ta zakon.

3.2.3. Opravljanje zavarovalnih poslov na območju tretje države

132. člen
(opravljanje zavarovalnih poslov v tretji državi)

(1) Zavarovalnica opravlja zavarovalne posle v tretji državi prek

on policyholders, insured persons or other insurance beneficiaries by EIOPA with a view to enhancing the exchange of information and promoting cooperation between the supervisory authorities of the Member States referred to in this Article where:

1. the business that the insurance undertaking intends to conduct in a Member State is relevant to the market of that Member State;
2. the Insurance Supervision Agency, in accordance with paragraph two of this Article, has informed EIOPA and the supervisory authority of the Member State of the deteriorated financial situation of an insurance undertaking conducting business in the Member State or of other risks related to the insurance undertaking's conduct of business which may affect the market of the Member State;
3. the supervisory authority of a Member State has informed the Insurance Supervision Agency and EIOPA of serious and well-founded concerns regarding the protection of policyholders, insured persons and other insurance beneficiaries in accordance with paragraph three of Article 136a of this Act; or
4. the matter has been referred to EIOPA in accordance with paragraph three of this Article and a request has been submitted to EIOPA for assistance in developing a bilateral solution.

(7) The preceding paragraph is without prejudice to the right of the Insurance Supervision Agency to establish a cooperation platform together with other participating supervisory authorities referred to in this Article if all participating supervisory authorities agree on the establishment of a cooperation platform.

(8) The establishment of a cooperation platform on the basis of paragraphs six and seven of this Article shall be without prejudice to the supervisory powers of the Insurance Supervision Agency and the supervisory authorities of the Member States, which are determined in this Act.

3.2.3. Conducting insurance business in a third country

Article 132
(Conducting insurance business in a third country)

(1) An insurance undertaking shall conduct insurance business

podružnice ali neposredno, ob upoštevanju predpisov te države.

(2) Za ustanovitev podružnice v tretji državi zavarovalnica pridobi dovoljenje Agencije za zavarovalni nadzor (dovoljenje za ustanovitev podružnice zavarovalnice v tretji državi).

(3) Za odločanje o zahtevi za izdajo dovoljenja za ustanovitev podružnice zavarovalnice v tretji državi se smiselno uporabljajo prvi in drugi odstavek 127. člena, prvi odstavek 128. člena in 130. člen tega zakona.

(4) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za ustanovitev podružnice v tretji državi, če je ob upoštevanju predpisov države, v kateri namerava zavarovalnica ustanoviti podružnico, oziroma ob upoštevanju prakse pri izvrševanju teh predpisov verjetno, da bo ovirano izvajanje nadzora v skladu s tem zakonom.

(5) Za neposredno opravljanje zavarovalnih poslov v tretji državi se smiselno uporablja prvi odstavek prejšnjega člena. Zavarovalnica lahko začne z neposrednim opravljanjem zavarovalnih poslov v tretji državi z dnem, ko o tem obvesti Agencijo za zavarovalni nadzor. Del obvestila je tudi pisno dokazilo nadzornega organa tretje države, da tretja država dovoljuje neposredno opravljanje zavarovalnih poslov.

3.3. *Opravljanje zavarovalnih poslov zavarovalnic držav članic*

133. člen
(opravljanje zavarovalnih poslov zavarovalnic držav članic)

(1) Zavarovalnica, ki ima v državi članici dovoljenje za opravljanje zavarovalnih poslov v posameznih zavarovalnih vrstah, lahko zavarovalne posle v teh zavarovalnih vrstah opravlja tudi na območju

in a third country through a branch or directly, observing the regulations of that country.

(2) To establish a branch in a third country, an insurance undertaking shall obtain authorisation from the Insurance Supervision Agency (authorisation for establishing an insurance undertaking's branch in a third country).

(3) For decisions on an application for authorisation for establishing an insurance undertaking's branch in a third country, paragraphs one and two of Article 127, paragraph one of Article 128, and Article 130 of this Act shall apply *mutatis mutandis*.

(4) The Insurance Supervision Agency shall reject the application for authorisation for establishing an insurance undertaking's branch in a third country, if in consideration of the regulations of the country in which the insurance undertaking intends to establish a branch, or if in consideration of the practice in the implementation of these regulations, it is likely that the conducting of supervision in accordance with this Act will be hindered.

(5) For the direct conducting of insurance business in a third country, paragraph one of the preceding Article shall apply *mutatis mutandis*. An insurance undertaking may commence direct conducting of insurance business in a third country as of the date the Insurance Supervision Agency is notified thereof. A part of the notification is written proof of the supervisory authority of the third country that the third country allows the direct conducting of insurance business.

3.3. *Conducting insurance business by insurance undertakings from Member States*

Article 133
(Conducting insurance business by insurance undertakings from Member States)

(1) An insurance undertaking which has authorisation to conduct insurance business in individual insurance classes in a Member State, may also conduct insurance business in these insurance classes in

Republike Slovenije prek podružnice ali neposredno pod pogoji, določenimi v tem zakonu.

(2) Za zavarovalnico, ki je v državi članici svojega sedeža upravičena opravljati zavarovalne posle in se zanjo Direktiva 2009/138/ES ne uporablja, prvi odstavek tega člena ne velja.

(3) Za zavarovalnico države članice, ki opravlja zavarovalne posle na območju Republike Slovenije, se uporabljajo naslednje določbe zakonov in predpisov, izdanih v zvezi z njihovim izvrševanjem:

1. 521. do 528.d člen tega zakona,
2. 560. člen tega zakona,
3. določbe zakonov iz šestega in sedmega odstavka 7. člena tega zakona,
4. določbe drugih zakonov, ki zaradi zaščite javne koristi urejajo varstvo potrošnikov, preprečevanje pranja denarja oziroma druga področja, in ki veljajo za zavarovalnice s sedežem v Republiki Sloveniji.

134. člen
(opravljanje zavarovalnih poslov prek podružnice)

(1) Nadzorni organ države članice sedeža zavarovalnice, katera namerava opravljati zavarovalne posle preko podružnice v Republiki Sloveniji, pošlje Agenciji za zavarovalni nadzor obvestilo in priloge iz prvega in drugega odstavka 127. člena in tretjega odstavka 128. člena tega zakona.

(2) Zavarovalnica države članice sme ustanoviti podružnico v Republiki Sloveniji in začeti opravljati zavarovalne posle:

1. z dnem, ko nadzorni organ države članice sedeža zavarovalnice od Agencije za zavarovalni nadzor prejme obvestilo o pogojih za opravljanje zavarovalnih poslov v Republiki Sloveniji, ki so namenjeni zaščiti javnih koristi, o čemer nadzorni organ države članice obvesti zavarovalnico države članice, ali

the territory of the Republic of Slovenia through a branch or directly under the conditions provided by this Act.

(2) For an insurance undertaking that is authorised to conduct insurance business in the Member State of its head office and is not subject to Directive 2009/138/EC, paragraph one of this Article shall not apply.

(3) For an insurance undertaking from a Member State which conducts insurance business in the territory of the Republic of Slovenia, the following provisions of Acts and regulations issued in relation to their implementation shall apply:

1. Articles 521 to 528d of this Act,
2. Article 560 of this Act,
3. the provisions of the Acts referred to in paragraphs six and seven of Article 7 of this Act,
4. the provisions of other Acts, which for the reason of safeguarding of the public interest govern consumer protection, the prevention of money laundering or other fields, and apply to insurance undertakings with head offices in the Republic of Slovenia.

Article 134
(Conducting insurance business through a branch)

(1) The supervisory authority of the Member State where the head office of the insurance undertaking which intends to conduct insurance business through a branch in the Republic of Slovenia is located shall send to the Insurance Supervision Agency the notification and attachments referred to in paragraphs one and two of Article 127 and paragraph three of Article 128 of this Act.

(2) An insurance undertaking of a Member State may establish a branch in the Republic of Slovenia and commence insurance business:

1. as of the date when the supervisory authority of the Member State where the head office of the insurance undertaking is located received from the Insurance Supervision Agency a notification on the conditions for conducting insurance business in the Republic of Slovenia which are intended to protect the public interest, of which the supervisory authority of the Member State informs the insurance undertaking of the Member State, or

2. z iztekom dveh mesecev od dneva, ko je Agencija za zavarovalni nadzor prejela obvestilo nadzornega organa države članice sedeža zavarovalnice ter priloge iz prvega in drugega odstavka 127. člena in tretjega odstavka 128. člena tega zakona, če nadzorni organ države članice sedeža zavarovalnice do izteka dveh mesecev ni prejel obvestila Agencije za zavarovalni nadzor o pogojih za opravljanje zavarovalnih poslov v Republiki Sloveniji, ki so namenjeni zaščiti javnih koristi.

(3) Če namerava zavarovalnica države članice v zvezi s svojo podružnico v Republiki Sloveniji spremeniti katerega od dejstev oziroma okoliščin iz drugega odstavka 127. člena tega zakona, o tem obvesti Agencijo za zavarovalni nadzor en mesec pred izvršitvijo take spremembe.

135. člen
(neposredno opravljanje zavarovalnih poslov)

Zavarovalnica države članice sme začeti z neposrednim opravljanjem zavarovalnih poslov v Republiki Sloveniji, ko Agencija za zavarovalni nadzor od nadzornega organa države članice sedeža te zavarovalnice prejme obvestilo in priloge z vsebino iz prvega in drugega odstavka 131. člena tega zakona.

136. člen
(opravljanje zavarovalnih poslov obveznih zavarovanj v prometu)

(1) Poleg pogojev, določenih v 134. in 135. členu tega zakona, predloži zavarovalnica države članice, preden začne opravljati obvezna zavarovanja v prometu, Agenciji za zavarovalni nadzor potrdilo Slovenskega zavarovalnega združenja, iz katerega izhaja, da je zavarovalnica države članice:

1. članica Slovenskega zavarovalnega združenja;
2. pristopila k škodnemu skladu ter odškodninskemu uradu, kot ju

2. upon the expiry of a two-month period from the date when the Insurance Supervision Agency received a notification from the supervisory authority of the Member State where the head office of the insurance undertaking is located and the attachments referred to in paragraphs one and two of Article 127 and paragraph three of Article 128 of this Act, provided that, up until the expiry of the two-month period, the supervisory authority of the Member State where the head office of the insurance undertaking is located did not receive the notification of the Insurance Supervision Agency on the conditions for conducting insurance business in the Republic of Slovenia which are intended to protect the public interest.

(3) If an insurance undertaking of a Member State intends to modify any of the facts or circumstances referred to in paragraph two of Article 127 of this Act regarding its branch in the Republic of Slovenia, it shall inform the Insurance Supervision Agency thereof one month prior to carrying out such a modification.

Article 135
(Direct conduct of insurance business)

An insurance undertaking from a Member State may commence direct conducting of insurance business in the Republic of Slovenia when the Insurance Supervision Agency receives the notification and attachments with the content referred to in paragraphs one and two of Article 131 of this Act, from the supervisory authority of the Member State in which the insurance undertaking has its head office.

Article 136
(Conducting compulsory insurance in transport)

(1) In addition to the terms and conditions provided by Articles 134 and 135 of this Act, prior to engaging in compulsory insurance in transport, an insurance undertaking from a Member State shall submit a certificate of the Slovenian Insurance Association to the Insurance Supervision Agency, from which it is evident that the insurance undertaking from the Member State:

1. is a member of the Slovenian Insurance Association;
2. has joined the guarantee fund and the compensation body, as

predpisuje zakon, ki ureja obvezna zavarovanja v prometu, in se zavezala k financiranju škodnega sklada in odškodninskega urada ter izpolnjevanju drugih obveznosti, potrebnih za delovanje škodnega sklada in odškodninskega urada;
3. sporočila ime in naslov predstavnika, kot je določen v zakonu, ki ureja obvezna zavarovanja v prometu.

(2) Ne glede na 134. in 135. člen tega zakona sme zavarovalnica države članice začeti opravljati obvezna zavarovanja v prometu samo, če Agencijo za zavarovalni nadzor predhodno seznani s splošnimi in posebnimi zavarovalnimi pogoji, in sicer najmanj en mesec, preden jih začne uporabljati.

(3) Če Agencija za zavarovalni nadzor ugotovi, da zavarovalni pogoji iz prejšnjega odstavka niso v skladu s predpisi, zavarovalnici države članice odredi, da zavarovalne pogoje uskladi s predpisi. Če zavarovalnica države članice v roku, določenem z odredbo, ne ravna v skladu z odredbo, Agencija za zavarovalni nadzor obvesti nadzorni organ države članice te zavarovalnice.

136.a člen
(obveščanje EIOPA in platforme za sodelovanje)

(1) Kadar namerava nadzorni organ države članice sedeža zavarovalnice izdati dovoljenje zavarovalnici, katere poslovni načrt izkazuje, da del njenih dejavnosti temelji na neposrednem opravljanju poslov in opravljanju poslov prek podružnice na območju Republike Slovenije ter so te dejavnosti pomembne za trg Republike Slovenije, nadzorni organ države članice o tem obvesti Agencijo za zavarovalni nadzor in EIOPA.

(2) Nadzorni organ države članice sedeža zavarovalnice obvesti Agencijo za zavarovalni nadzor in EIOPA, če ugotovi, da se je finančno stanje zavarovalnice, ki opravlja posle na območju Republike Slovenije, poslabšalo ali obstajajo druga tveganja v zvezi z opravljanjem poslov zavarovalnice, ki lahko vplivajo na trg Republike Slovenije.

provided by the Act governing compulsory insurance in transport, and has committed to financing the guarantee fund and the compensation body and the fulfilment of other obligations needed for the operation of the guarantee fund and the compensation body;
3. has communicated the name and address of the representative, as laid down in the Act governing compulsory insurance in transport.

(2) Notwithstanding Articles 134 and 135 of this Act, an insurance undertaking from a Member State may commence compulsory insurance in transport only, if it notifies the Insurance Supervision Agency in advance of the general and special terms and conditions of insurance at least one month prior to their application.

(3) If the Insurance Supervision Agency establishes that the terms and conditions of insurance referred to in the preceding paragraph are not in compliance with regulations, it shall order the insurance undertaking from a Member State to harmonise the terms and conditions of insurance with regulations. If the insurance undertaking from a Member State fails to comply with the order within the deadline specified by the order, the Insurance Supervision Agency shall notify the supervisory authority of the Member State of the insurance undertaking.

Article 136a
(Notification of EIOPA and cooperation platforms)

(1) Where the supervisory authority of the Member State where the head office of the insurance undertaking is located intends to issue an authorisation to an insurance undertaking whose business plan shows that part of its activities is based on direct business or business through a branch in the territory of the Republic of Slovenia and where this business is relevant to the market of the Republic of Slovenia, the supervisory authority of the Member State shall inform the Insurance Supervision Agency and EIOPA thereof.

(2) The supervisory authority of the Member State where the head office of the insurance undertaking is located shall inform the Insurance Supervision Agency and EIOPA if it finds that the financial situation of an insurance undertaking conducting business in the territory of the Republic of Slovenia has deteriorated or that there are other risks related to the insurance undertaking’s conduct of business which may

(3) Agencija za zavarovalni nadzor lahko nadzorni organ države članice sedeža zavarovalnice obvesti, kadar ima resne in utemeljene pomisleke v zvezi z varstvom zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj. Hkrati z obvestilom nadzornemu organu države članice sedeža zavarovalnice Agencija za zavarovalni nadzor posreduje obvestilo tudi EIOPA.

(4) Nadzorni organ države članice sedeža zavarovalnice in Agencija za zavarovalni nadzor lahko zadevo predložita EIOPA, in če ni mogoče najti dvostranske rešitve, zahtevata pomoč EIOPA.

(5) Obvestila iz prvega, drugega in tretjega odstavka tega člena morajo biti dovolj podrobna, da omogočijo ustrezno presojo.

(6) Obvestila iz prvega, drugega in tretjega odstavka tega člena ne posegajo v nadzorne pristojnosti nadzornega organa države članice sedeža zavarovalnice in Agencije za zavarovalni nadzor, ki so določene v tem zakonu.

(7) Agencija za zavarovalni nadzor sodeluje v platformi za sodelovanje, ki jo je v primeru utemeljenih in resnih sumov o negativnem vplivu na zavarovalce, zavarovance in druge upravičence iz zavarovanj na lastno pobudo ali pobudo enega ali več nadzornih organov držav članic iz tega člena vzpostavila EIOPA z namenom okrepitve izmenjave informacij in spodbude sodelovanja med nadzornimi organi držav članic iz tega člena, kadar:

1. so posli, ki jih namerava zavarovalnica države članice opravljati na območju Republike Slovenije, pomembni za trg Republike Slovenije;

2. je nadzorni organ države članice sedeža zavarovalnice v skladu z drugim odstavkom tega člena obvestil EIOPA in Agencijo za zavarovalni nadzor o poslabšanju finančnega stanja zavarovalnice, ki opravlja posle na območju Republike Slovenije, ali obstoju drugih

affect the market of the Republic of Slovenia.

(3) The Insurance Supervision Agency may inform the supervisory authority of the Member State where the head office of the insurance undertaking is located of its serious and well-founded concerns regarding the protection of policyholders, insured persons and other insurance beneficiaries. Together with the notification to the supervisory authority of the Member State where the head office of the insurance undertaking is located, the Insurance Supervision Agency shall also submit that notification to EIOPA.

(4) The supervisory authority of the Member State where the head office of the insurance undertaking is located and the Insurance Supervision Agency may refer the matter to EIOPA and, if no bilateral solution can be found, request the assistance of EIOPA.

(5) The notifications referred to in paragraphs one, two and three of this Article shall be sufficiently detailed to enable an appropriate assessment.

(6) The notifications referred to in paragraphs one, two and three of this Article shall be without prejudice to the supervisory powers of the supervisory authority of the Member State where the head office of the insurance undertaking is located and the Insurance Supervision Agency, which are determined in this Act.

(7) The Insurance Supervision Agency shall participate in a cooperation platform set up on its own initiative or on the initiative of one or several supervisory authorities of the Member States referred to in this Article in the event of justified and serious suspicions of a negative impact on policyholders, insured persons or other insurance beneficiaries by EIOPA with a view to enhancing the exchange of information and promoting cooperation between the supervisory authorities of the Member States referred to in this Article where:

1. the business that the insurance undertaking intends to conduct in the territory of the Republic of Slovenia is relevant to the market of the Republic of Slovenia;
2. in accordance with paragraph two of this Article, the supervisory authority of the Member State where the head office of the insurance undertaking is located has informed EIOPA and the Insurance Supervision Agency of the deteriorated financial situation of an

tveganj v zvezi z opravljanjem poslov zavarovalnice, ki lahko vplivajo na trg Republike Slovenije;

3. je Agencija za zavarovalni nadzor obvestila nadzorni organ države članice sedeža zavarovalnice in EIOPA o resnih in utemeljenih pomislekih v zvezi z varstvom zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj v skladu s tretjim odstavkom tega člena ali

4. je bila zadeva predložena EIOPA v skladu s četrtim odstavkom tega člena in posredovana zahteva EIOPA za pomoč pri oblikovanju dvostranske rešitve.

(8) Prejšnji odstavek ne posega v pravico Agencije za zavarovalni nadzor, da skupaj z drugimi udeleženimi nadzornimi organi iz tega člena vzpostavi platformo za sodelovanje, če se o vzpostavitvi platforme za sodelovanje strinjajo vsi udeleženi nadzorni organi.

(9) Vzpostavitev platforme za sodelovanje na podlagi sedmega in osmega odstavka tega člena ne posega v nadzorne pristojnosti nadzornih organov držav članic in Agencije za zavarovalni nadzor, ki jih določa ta zakon.

3.4. *Opravljanje zavarovalnih poslov zavarovalnic tretjih držav*

3.4.1. Podružnica zavarovalnice tretje države

137. člen
(opravljanje zavarovalnih poslov zavarovalnice tretje države)

(1) Zavarovalnica tretje države sme zavarovalne posle, za katere ima dovoljenje v državi svojega sedeža, opravljati tudi na ozemlju Republike Slovenije, vendar samo prek podružnice in pod pogoji, določenimi v tem zakonu, ali pod pogoji, določenimi v mednarodni

insurance undertaking conducting business in the territory of the Republic of Slovenia or of other risks related to the insurance undertaking's conduct of business which may affect the market of the Republic of Slovenia;
3. the Insurance Supervision Agency has notified the supervisory authority of the Member State where the head office of the insurance undertaking is located and EIOPA of serious and well-founded concerns regarding the protection of policyholders, insured persons and other insurance beneficiaries in accordance with paragraph three of this Article; or
4. the matter has been referred to EIOPA in accordance with paragraph four of this Article and a request has been submitted to EIOPA for assistance in developing a bilateral solution.

(8) The preceding paragraph is without prejudice to the right of the Insurance Supervision Agency to establish a cooperation platform together with other participating supervisory authorities referred to in this Article if all participating supervisory authorities agree on the establishment of a cooperation platform.

(9) The establishment of a cooperation platform on the basis of paragraphs seven and eight of this Article shall be without prejudice to the supervisory powers of the supervisory authorities of the Member States and the Insurance Supervision Agency, which are determined in this Act.

3.4. *Conducting insurance business by insurance undertakings from third countries*

3.4.1. Branch of an insurance undertaking from a third country

Article 137
(Conducting insurance business by an insurance undertaking from a third country)

(1) An insurance undertaking from a third country may conduct insurance business for which it has obtained authorisation in the country of its head office also in the territory of the Republic of Slovenia, but only through a branch and under the conditions stipulated by this Act or under

pogodbi, ki obvezuje Republiko Slovenijo.

(2) Ne glede na prejšnji odstavek lahko:

1. zavarovalnica tretje države, ki ima dovoljenje za opravljanje zavarovalnih poslov sklepanja pozavarovanj, na ozemlju Republike Slovenije opravlja pozavarovalne posle tudi neposredno in se takšna pozavarovanja štejejo za ustrezen instrument za zmanjševanje tveganj, če:
   - je Evropska komisija v skladu s 172. členom Direktive 2009/138/ES odločila, da so zahteve glede dejavnosti pozavarovanja v državi sedeža enakovredne zahtevam v EU,
   - **črtana)**,
   - je v aktu ali v drugem izvedbenem predpisu, ki ga Evropska komisija izda na podlagi prvega odstavka 111. člena Direktive 2009/138/ES, določeno, da se takšna pozavarovanja upoštevajo med instrumente za zmanjševanje tveganj;
2. zavarovalnica tretje države, ki ima dovoljenje za opravljanje zavarovalnih poslov zavarovanj vozil, pomorskih in transportnih zavarovanj ali zavarovanj zrakoplovov oziroma drugih letalnih naprav, na ozemlju Republike Slovenije opravlja zavarovalne posle iz teh zavarovalnih podskupin tudi neposredno, če so izpolnjeni pogoji iz tretjega odstavka tega člena. Ne glede na prejšnji stavek zavarovalnica tretje države ne sme na ozemlju Republike Slovenije neposredno opravljati zavarovalnih poslov zavarovanja potnikov v javnem prometu proti posledicam nesreče in zavarovanja avtomobilske odgovornosti, kakor so urejena v zakonu, ki ureja področje obveznih zavarovanj v prometu.

(3) Neposredno opravljanje storitev v skladu z 2. točko prejšnjega odstavka je dovoljeno, če je zavarovalnica tretje države, ki namerava na ozemlju Republike Slovenije neposredno opravljati zavarovalne posle, k vlogi priložila dokazilo Evropske komisije, da so zahteve glede poslovanja zavarovalnice v državi sedeža enakovredne zahtevam pravnega reda EU.

(4) Za zavarovalnico iz 2. točke drugega odstavka tega člena se smiselno uporabljajo 133., 135. in 136. člen tega zakona.

the conditions set out in an international agreement binding on the Republic of Slovenia.

(2) Notwithstanding the preceding paragraph:

1. an insurance undertaking from a third country which is authorised to conduct reinsurance business, may directly conduct reinsurance business in the territory of the Republic of Slovenia and such reinsurance shall be deemed an eligible instrument to reduce risks, if:
   - in accordance with Article 172 of Directive 2009/138/EC, the European Commission has decided that the requirements relating to the activities of reinsurance in the country of its head office are equivalent to the requirements in the EU,
   - **(deleted)**
   - the act or other implementing regulation issued by the European Commission on the basis of Article 111(1) of Directive 2009/138/EC lays down that such reinsurance shall be included among instruments to reduce risks;
2. an insurance undertaking from a third country authorised to conduct insurance business regarding vehicle insurance, marine and transport insurance or aircraft insurance or other flying machine insurance may directly conduct insurance business in these insurance subgroups in the territory of the Republic of Slovenia only when the conditions referred to in paragraph three of this Article are fulfilled. Notwithstanding the preceding sentence, an insurance undertaking from a third country may not directly conduct insurance business regarding the insurance of passengers in public transport against the consequences of accidents and third-party vehicle liability, as regulated by the Act governing compulsory insurance in transport, in the territory of the Republic of Slovenia.

(3) The direct provision of services in accordance with point 2 of the preceding paragraph is allowed if an insurance undertaking from a third country which intends to conduct insurance business directly in the territory of the Republic of Slovenia has attached to the application proof from the European Commission that the requirements relating to the insurance undertaking’s conduct of business in the country of its head office are equivalent to the requirements of the EU acquis.

(4) For an insurance undertaking referred to in point 2 of paragraph two of this Article, Articles 133, 135 and 136 of this Act shall

138. člen
(dovoljenje za ustanovitev podružnice zavarovalnice tretje države)

(1) Zavarovalnica tretje države lahko v Republiki Sloveniji ustanovi podružnico, če pridobi dovoljenje Agencije za zavarovalni nadzor za ustanovitev podružnice (v nadaljnjem besedilu: dovoljenje za ustanovitev podružnice zavarovalnice tretje države). Podružnica zavarovalnice tretje države lahko opravlja zavarovalne posle le v eni od zavarovalnih skupin iz drugega odstavka 26. člena tega zakona.

(2) Zahtevi za izdajo dovoljenja za ustanovitev podružnice zavarovalnice tretje države je treba priložiti:

1. akt o ustanovitvi zavarovalnice tretje države;
2. izpisek iz sodnega oziroma drugega ustreznega registra države sedeža za zavarovalnico tretje države;
3. statut oziroma druga ustrezna pravila zavarovalnice tretje države;
4. osebno ime, naslov stalnega ali začasnega prebivališča članov organov vodenja in nadzora zavarovalnice tretje države ter davčna številka, kot jo opredeljuje zakon, ki ureja davčni postopek, če je bila članu organa vodenja ali nadzora zavarovalnice tretje države dodeljena in EMŠO, če je član organa vodenja ali nadzora zavarovalnice tretje države vpisan v centralni register prebivalstva;
5. revidirana letna poročila zavarovalnice tretje države za zadnja tri leta poslovanja;
6. ustrezno listino, ki verodostojno izkazuje imetnike oziroma imetnice delnic in njihove deleže pri upravljanju zavarovalnice tretje države, če iz izpiska iz 1. točke niso razvidni podatki o imetnikih delnic zavarovalnice tretje države;
7. izpisek iz sodnega oziroma drugega ustreznega registra države

apply *mutatis mutandis*.

Article 138
(Authorisation to establish a branch of an insurance undertaking from a third country)

(1) An insurance undertaking from a third country may establish a branch in the Republic of Slovenia, if it obtains authorisation from the Insurance Supervision Agency to establish a branch (hereinafter: authorisation to establish a branch of an insurance undertaking from a third country). The branch of an insurance undertaking from a third country may conduct insurance business only within one of the insurance groups referred to in paragraph two of Article 26 of this Act.

(2) The following must be attached to the application for authorisation to establish a branch of an insurance undertaking from a third country:

1. the instrument of incorporation of the insurance undertaking from a third country;
2. an extract from the court register or other relevant register from the country where the head office of the insurance undertaking from a third country is located;
3. the articles of association or other relevant regulations of the insurance undertaking from a third country;
4. name and surname, address of permanent or temporary residence of the management and supervisory bodies of the insurance undertaking from a third country and tax number as provided by the Act governing tax procedure, if it was given to a member of the management or supervisory bodies of the insurance undertaking from a third country, and personal identification number if the member of the management or supervisory body of the insurance undertaking from a third country has been entered in the central population register;
5. audited annual reports of the insurance undertaking from a third country for the last three business years;
6. a relevant document that authentically demonstrates the shareholders and their shares in the management of the insurance undertaking from a third country if the information on the shareholders of the insurance undertaking from a third country is not evident from the extract referred to in point 1;
7. an extract from the court register or other relevant register from the

sedeža za pravne osebe, ki so imetnice kvalificiranih deležev v zavarovalnice tretje države;

8. poslovni načrt z vsebino, določeno v 116. členu tega zakona;

9. dovoljenje za opravljanje zavarovalnih poslov, ki ga je zavarovalnici tretje države izdal nadzorni organ države njenega sedeža;

10. dovoljenje nadzornega organa zavarovalnice tretje države za ustanovitev podružnice oziroma izjavo tega organa, da dovoljenje po predpisih države te zavarovalnice ni potrebno;

11. izjavo zavarovalnice tretje države, da bo podružnica vodila vso dokumentacijo, ki se nanaša na njeno poslovanje, v slovenskem jeziku in jo hranila na sedežu podružnice ter vodila ločene računovodske izkaze v skladu s tem zakonom oziroma na njegovi podlagi izdanimi predpisi;
12. izjavo zavarovalnice tretje države, da bo podružnica izpolnjevala zahteve tega zakona glede zavarovalno-tehničnih rezervacij, zahtevanega solventnostnega kapitala in zahtevanega minimalnega kapitala;
13. osebno ime in naslov stalnega ali začasnega prebivališča pooblaščencev za obravnavo odškodninskih zahtevkov, imenovanih v drugih državah članicah, če nevarnosti, ki naj bi bile krite, sodijo v zavarovalno vrsto iz 10. točke drugega odstavka 7. člena tega zakona, razen prevozniške odgovornosti;
14. drugo dokumentacijo, na podlagi katere je mogoče ugotoviti, ali je podružnica kadrovsko, tehnično in organizacijsko sposobna opravljati posle, na katere se nanaša zahteva.

(3) Agencija za zavarovalni nadzor kot pogoj za izdajo dovoljenja za ustanovitev podružnice zavarovalnice tretje države zahteva od zavarovalnice tretje države, da ima v kreditni instituciji v Republiki Sloveniji deponirana denarna sredstva v znesku, ki je enak najmanj polovici osnovnega kapitala iz 29. člena tega zakona, in da položi denarni znesek v višini najmanj ene četrtine osnovnega kapitala iz 29. člena tega zakona kot jamstvo za poravnavo obveznosti iz zavarovalnih pogodb, ki so sklenjene na območju Republike Slovenije, oziroma zavarovalnih pogodb, ki krijejo tveganja v Republiki Sloveniji (v nadaljnjem besedilu: jamstveni depozit).

country where the head office of the legal persons that are holders of qualifying holdings in the insurance undertaking from a third country is located;
8. the business plan, containing the contents referred to in Article 116 of this Act;
9. the authorisation to conduct insurance business issued to the insurance undertaking from a third country by the supervisory authority of the country of its head office;
10. the authorisation to establish a branch from the supervisory body of the insurance undertaking from a third country or a statement of this body that the insurance undertaking is not required to acquire the authorisation in accordance with the regulations of that country;
11. a statement by the insurance undertaking from a third country that the branch will keep all the documentation relating to its business in the Slovenian language and will store it at the head office of the branch, and will keep separate financial accounts in accordance with this Act or regulations issued on the basis thereof;
12. a statement by the insurance undertaking from a third country that the branch will meet the requirements of this Act regarding technical provisions, the solvency capital requirement and the minimum capital requirement;
13. personal name and address of permanent or temporary residence of the claims representatives appointed in other Member States if the risks to be covered are classified into an insurance class under point 10 of paragraph two of Article 7 of this Act, other than carrier's liability;
14. other documents on the basis of which it can be established, if the branch in terms of personnel, technical and organisational capacity is qualified to conduct business to which the application refers.

(3) As a condition for issuing the authorisation to establish a branch of an insurance undertaking from a third country, the Insurance Supervision Agency shall require that the insurance undertaking from a third country deposits cash in a credit institution in the Republic of Slovenia in the amount of at least one half of the share capital referred to in Article 29 of this Act and that it deposits cash as a guarantee for the settlement of liabilities arising from insurance contracts concluded in the territory of the Republic of Slovenia or which cover risks in the Republic of Slovenia in the amount of at least one fourth of the share capital referred to in Article 29 of this Act (hereinafter: guarantee deposit).

(4) Agencija za zavarovalni nadzor izda dovoljenje za ustanovitev podružnice zavarovalnice tretje države v treh mesecih od prejema zahteve iz drugega odstavka tega člena, če na podlagi podatkov, s katerimi razpolaga, in dokumentacije, priložene zahtevi za izdajo dovoljenja, oceni, da je podružnica finančno, upravljavsko, organizacijsko, kadrovsko in tehnično usposobljena za poslovanje v skladu z določbami tega zakona ter da je ureditev sistema upravljanja v skladu s 50. členom tega zakona.

(5) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za ustanovitev podružnice zavarovalnice tretje države, če je ob upoštevanju predpisov države sedeža zavarovalnice tretje države oziroma ob upoštevanju prakse te države pri uporabi in izvrševanju teh predpisov verjetno, da bo ovirano izvajanje nadzora v skladu s tem zakonom.

(6) Zavarovalnica tretje države, ki je pridobila dovoljenje iz prvega odstavka tega člena, lahko v Republiki Sloveniji prek podružnice opravlja zavarovalne posle, navedene v dovoljenju za ustanovitev podružnice zavarovalnice tretje države.

(7) Če namerava zavarovalnica tretje države v Republiki Sloveniji prek podružnice začeti opravljati tudi druge zavarovalne posle, ki niso navedeni v že izdanem dovoljenju za ustanovitev podružnice zavarovalnice tretje države, pridobi predhodno dodatno dovoljenje Agencije za zavarovalni nadzor za opravljanje teh poslov.

(8) Za dodatno dovoljenje iz sedmega odstavka tega člena se smiselno uporabljata četrti in peti odstavek tega člena.

139. člen
(finančne zahteve za podružnico)

(1) Podružnica zavarovalnice tretje države za namene

(4) The Insurance Supervision Agency shall issue the authorisation to establish a branch of an insurance undertaking from a third country within three months of receipt of the application referred to in paragraph two of this Article if, on the basis of information available to the Agency and documents attached to the application for the issue of the authorisation, it assesses that the branch is qualified in terms of finance, management, organisation, personnel and technical capacity to conduct business in accordance with the provisions of this Act and that the governance system complies with Article 50 of this Act.

(5) The Insurance Supervision Agency shall refuse the application for authorisation to establish a branch of an insurance undertaking from a third country if, in consideration of the regulations of the country in which the head office of the insurance undertaking from a third country is located or in consideration of the practice in the country in applying and implementing such regulations, it is likely that the conducting of supervision in accordance with this Act will be hindered.

(6) An insurance undertaking from a third country which has obtained the authorisation referred to in paragraph one of this Article, may conduct insurance business in the Republic of Slovenia through a branch, as stated in the authorisation to establish a branch of an insurance undertaking from a third country.

(7) If an insurance undertaking from a third country intends to commence also other insurance business through a branch in the Republic of Slovenia which is not stated in the issued authorisation to establish a branch of an insurance undertaking from a third country, it shall first obtain additional authorisation from the Insurance Supervision Agency to conduct such business.

(8) For the additional authorisation referred to in paragraph seven of this Article, paragraphs four and five of this Article shall apply *mutatis mutandis*.

Article 139
(Financial requirements for a branch)

(1) A branch of an insurance undertaking from a third country

upravljanja tveganj:
1. vrednoti sredstva in obveznosti v skladu s 4.7. oddelkom tega zakona,
2. določi lastne vire sredstev v skladu s 4.9. oddelkom tega zakona,
3. oblikuje zavarovalno-tehnične rezervacije v skladu s 4.8. oddelkom tega zakona,
4. izračuna zahtevani solventnostni kapital in zahtevani minimalnega kapitala podružnice v skladu s 4.10. oziroma 4.11. oddelkom tega zakona, pri čemer upošteva samo posle, ki jih opravlja.

(2) Podružnica razpolaga s primernimi osnovnimi lastnimi viri sredstev kot so določena v drugem odstavku 200. člena tega zakona najmanj v višini ene polovice osnovnega kapitala, kot je predpisan v 29. členu tega zakona.

(3) Podružnica zavarovalnice tretje države hrani v Republiki Sloveniji sredstva najmanj v višini minimalnega zahtevanega kapitala, presežek sredstev do višine zahtevanega solventnostnega kapitala pa v državah članicah.

140. člen
(uporaba določb)

(1) Za zavarovalnico tretje države, ki je v Republiki Sloveniji ustanovila podružnico oziroma njeno podružnico, in za poslovodje te podružnice se uporabljajo:
1. določbe 12.2. oddelka ter 4., 5., 6., 7., 14., 15. in 16. Poglavje tega zakona,
2. določbe drugih zakonov, ki se uporabljajo za zavarovalnice s sedežem na območju Republike Slovenije,
3. določbe predpisov, izdanih v zvezi z izvrševanjem določb zakonov iz 1. in 2. točke tega odstavka.

(2) Za poslovodje podružnice se smiselno uporabljajo določbe tega zakona o upravi zavarovalnice.

(3) Agencija za zavarovalni nadzor odvzame dovoljenje za ustanovitev podružnice zavarovalnice tretje države, če je nadzorni organ sedeža zavarovalnice tretje države tej zavarovalnici odvzel dovoljenje za

shall for the purpose of risk management:
1. evaluate assets and liabilities pursuant to Section 4.7 of this Act,
2. determine own funds pursuant to Section 4.9 of this Act,
3. establish technical provisions pursuant to Section 4.8 of this Act,
4. calculate the solvency capital requirement and the minimum capital requirement of the branch in accordance with Sections 4.10 or 4.11 of this Act, taking into account only the business it conducts.

(2) A branch shall hold eligible basic own funds as laid down in paragraph two of Article 200 of this Act in the amount of at least one half of the share capital as prescribed by Article 29 of this Act.

(3) A branch of an insurance undertaking from a third country shall keep funds in the Republic of Slovenia in the amount of at least the minimum capital requirement and excess funds up to the amount of the solvency capital requirement in Member States.

Article 140
(Application of provisions)

(1) For an insurance undertaking from a third country which has established a branch in the Republic of Slovenia or its branch, and for the management of this branch, the following shall apply:
1. the provisions of Section 12.2 and Chapters Four, Five, Six, Seven, Fourteen, Fifteen and Sixteen of this Act,
2. the provisions of other Acts applicable to insurance undertakings with head office in the territory of the Republic of Slovenia,
3. the regulations issued in relation to the implementation of the acts referred to in points 1 and 2 of this paragraph.

(2) For the management of a branch, the provisions of this Act regarding the management board of an insurance undertaking shall apply *mutatis mutandis*.

(3) The Insurance Supervision Agency shall withdraw the authorisation to establish a branch of an insurance undertaking from a third country, if the supervisory authority of the head office of the

opravljanje zavarovalnih poslov.

141. člen
(posebne določbe za podružnico švicarske zavarovalnice)

(1) Za podružnico švicarske zavarovalnice, ki na območju Republike Slovenije opravlja posle premoženjskih zavarovanj, se ne uporabljata tretji odstavek 138. člena in tretji odstavek 139. člena tega zakona.

(2) Pred odločitvijo o izdaji dovoljenja za ustanovitev podružnice švicarske zavarovalnice, ki namerava na območju Republike Slovenije opravljati posle premoženjskih zavarovanj, Agencija za zavarovalni nadzor obvesti nadzorni organ Švicarske konfederacije in ga zaprosi za mnenje. Če nadzorni organ Švicarske konfederacije v roku treh mesecev od prejema zaprosila ne odgovori, se šteje, da ustanovitvi podružnice ne nasprotuje.

(3) Pred odločitvijo o odvzemu dovoljenja za ustanovitev podružnice švicarske zavarovalnice, ki na območju Republike Slovenije opravlja posle premoženjskih zavarovanj, Agencija za zavarovalni nadzor obvesti nadzorni organ Švicarske konfederacije in ga zaprosi za mnenje. Če Agencija za zavarovalni nadzor pred pridobitvijo mnenja podružnici švicarske zavarovalnice izreče prepoved sklepanja zavarovalnih pogodb, o tem nemudoma obvesti nadzorni organ Švicarske konfederacije.

142. člen
(ugodnosti za zavarovalnice tretjih držav, ki imajo podružnice v več državah članicah)

(1) Zavarovalnica tretje države, ki je zaprosila ali pridobila dovoljenje za ustanovitev podružnic za opravljanje zavarovalnih poslov v več državah članicah, lahko Agencijo za zavarovalni nadzor zaprosi za naslednje ugodnosti, ki se lahko odobrijo le vse skupaj:

insurance undertaking from the third country has withdrawn its authorisation from the insurance undertaking to conduct insurance business.

Article 141
(Special provisions for a branch of a Swiss insurance undertaking)

(1) For a branch of a Swiss insurance undertaking which conducts non-life insurance business in the territory of the Republic of Slovenia, paragraph three of Article 138 and paragraph three of Article 139 of this Act shall not apply.

(2) Before making a decision to issue authorisation to establish a branch of a Swiss insurance undertaking which intends to conduct non-life insurance business in the territory of the Republic of Slovenia, the Insurance Supervision Agency shall notify the supervisory authority of the Swiss Confederation and request its opinion. If the supervisory authority of the Swiss Confederation does not reply within three months of the receipt of the request, it shall be deemed not to object to the establishment of the branch.

(3) Before taking a decision to withdraw authorisation to establish a branch of a Swiss insurance undertaking, which conducts non-life insurance business in the territory of the Republic of Slovenia, the Insurance Supervision Agency shall notify the supervisory authority of the Swiss Confederation and request its opinion. If, prior to obtaining the opinion, the Insurance Supervision Agency prohibits the branch of the Swiss insurance undertaking from concluding insurance contracts, it shall immediately notify the supervisory authority of the Swiss Confederation accordingly.

Article 142
(Benefits for insurance undertakings from third countries with branches in several Member States)

(1) An insurance undertaking from a third country that has requested or obtained authorisation to establish branches to conduct insurance business in several Member States, may request the Insurance Supervision Agency for the following benefits which may be granted only

1. da izračuna zahtevani solventnostni kapital iz prvega odstavka 139. člena tega zakona za vse posle, ki jih opravlja v EU;

2. da položi jamstveni depozit v skladu s tretjim odstavkom 138. člena tega zakona samo v eni državi članici;
3. da se sredstva, ki predstavljajo minimalni zahtevani kapital, nahajajo v katerikoli državi članici, v kateri opravlja zavarovalne posle.

(2) Zavarovalnica iz prejšnjega odstavka Agenciji za zavarovalni nadzor v vlogi posreduje naslednje podatke:

1. o državah članicah, v katerih opravlja oziroma namerava opravljati zavarovalne posle;
2. o nadzornem organu, ki bo nadzoroval ali nadzoruje opravljanje zavarovalnih poslov zavarovalnice tretje države na ozemlju EU, ter razloge za izbiro tega organa (v nadaljnjem besedilu: izbrani nadzorni organ);
3. o državi članici, v kateri bo položila jamstveni depozit.

(3) Agencija za zavarovalni nadzor ugodi zaprošenim ugodnostim, če se z ugodnostmi strinjajo vsi zadevni nadzorni organi držav članic, v katerih je bila vložena vloga.

(4) Ugodnosti iz prvega odstavka tega člena začnejo veljati, ko:

1. izbrani nadzorni organ iz 2. točke drugega odstavka tega člena obvesti Agencijo za zavarovalni nadzor, da bo nadzoroval kapitalsko ustreznost vseh podružnic zavarovalnice tretje države v EU, ali

2. Agencija za zavarovalni nadzor kot izbrani nadzorni organ odloči, da bo nadzorovala kapitalsko ustreznost vseh podružnic zavarovalnice tretje države v EU.

(5) Če je Agencija za zavarovalni nadzor izbrani nadzorni organ, obvesti Agencija za zavarovalni nadzor o odločitvi glede nadzora vseh podružnic zavarovalnice tretje države v EU druge zadevne nadzorne organe.

(6) Agencija za zavarovalni nadzor izbranemu nadzornemu

jointly:
1. the solvency capital requirement referred to in paragraph one of Article 139 of this Act shall be calculated in relation to the entire business which it carries out within the EU;
2. the guarantee deposit pursuant to paragraph three of Article 138 of this Act shall be lodged only in one Member State;
3. the funds representing the minimum capital requirement shall be located in any Member State where it conducts insurance business.

(2) An insurance undertaking referred to in the preceding paragraph shall submit to the Insurance Supervision Agency the following information:
1. concerning the Member States in which it conducts or intends to conduct insurance business;
2. concerning the supervisory authority that will supervise or supervises the conducting of insurance business by the insurance undertaking from a third country within the territory of the EU, and the reasons for selecting this authority (hereinafter: selected supervisory authority);
3. concerning the Member State in which the guarantee deposit will be lodged.

(3) The Insurance Supervision Agency shall grant the requested benefits, if all the relevant supervisory authorities of Member States in which the application has been filed, agree with such benefits.

(4) The benefits referred to in paragraph one of this Article shall enter into force when:
1. the selected supervisory authority referred to in point 2 of paragraph two of this Article notifies the Insurance Supervision Agency of its supervision of the capital adequacy of all branches of the insurance undertaking from a third country in the EU, or
2. the Insurance Supervision Agency as the selected supervisory authority decides that it will supervise the capital adequacy of all branches of the insurance undertaking from a third country in the EU.

(5) If the Insurance Supervision Agency is the selected supervisory authority, it shall notify other relevant supervisory authorities of its decision to supervise all branches of an insurance undertaking from a third country in the EU.

(6) The Insurance Supervision Agency shall submit information

organu države članice, ki opravlja nadzor kapitalske ustreznosti vseh podružnic zavarovalnice tretje države v EU, na njegovo zahtevo posreduje podatke glede podružnice v Republiki Sloveniji.

(7) Agencija za zavarovalni nadzor lahko zahteva ukinitev ugodnosti iz prvega odstavka tega člena. Ugodnosti se prekinejo tudi, če zahteva prekinitev ugodnosti zadevni nadzorni organ druge države članice.

(8) V primeru dveh ali več zahtev iz različnih držav članic za unovčitev depozita, ki je na podlagi 2. točke prvega odstavka tega člena položen v Republiki Sloveniji, se depozit izplača po vrstnem redu prispetja zahtev.

143. člen
(odvzem dovoljenja za opravljanje zavarovalnih poslov podružnici zavarovalnice tretje države, ki ima dovoljenje v več kot eni državi članici)

(1) Če je Agencija za zavarovalni nadzor izbrani nadzorni organ iz 2. točke drugega odstavka prejšnjega člena in odvzame dovoljenje za opravljanje zavarovalnih poslov podružnici zavarovalnice tretje države, ki so ji odobrene ugodnosti iz prvega odstavka prejšnjega člena, o tem obvesti vse zadevne nadzorne organe v EU.

(2) Če je Agencija za zavarovalni nadzor prejela obvestilo v smislu prvega odstavka tega člena od nadzornega organa druge države članice, sprejme nad podružnico zavarovalnice tretje države ustrezne nadzorne ukrepe. V primeru, da je razlog za odvzem dovoljenja neizpolnjevanje zahtev glede zavarovalno-tehničnih rezervacij, zahtevanega minimalnega kapitala ali zahtevanega solventnostnega kapitala, podružnici zavarovalnice tretje države odvzame dovoljenje za opravljanje zavarovalnih poslov.

4. poglavje:

concerning a branch in the Republic of Slovenia to the selected supervisory authority of the Member State which supervises the capital adequacy of all branches of an insurance undertaking from a third country in the EU, at its request.

(7) The Insurance Supervision Agency may require that the benefits referred to in paragraph one of this Article be abolished. The benefits shall also be abolished if so requested by the relevant supervisory authority of another Member State.

(8) In the case of two or more requests from different Member States to liquidate the deposit lodged in the Republic of Slovenia pursuant to point 2 of paragraph one of this Article, the deposit shall be paid in the order of arrival of requests.

Article 143
(Withdrawal of authorisation to conduct insurance business from a branch of an insurance undertaking from a third country with authorisations in more than one Member State)

(1) If the Insurance Supervision Agency is the selected supervisory authority referred to in point 2 of paragraph two of the preceding Article and it withdraws authorisation to conduct insurance business from a branch of an insurance undertaking from a third county with the granted benefits referred to in paragraph one of the preceding Article, it shall notify all the relevant supervisory authorities in the EU thereof.

(2) If the Insurance Supervision Agency has received a notification within the meaning of paragraph one of this Article from the supervisory authority of another Member State, it shall adopt required supervisory measures in the branch of the insurance undertaking from a third county. If the reason for the withdrawal of authorisation is the non-fulfilment of the requirements regarding technical provisions, the minimum capital requirement, or the solvency capital requirement, it shall withdraw authorisation to conduct insurance business from the branch of an insurance undertaking from a third county.

Chapter Four

UPRAVLJANJE TVEGANJ

4.1. *Pojmi v zvezi z upravljanjem tveganj*

144. člen
(upravljanje tveganj)

Upravljanje tveganj je ugotavljanje, merjenje oziroma ocenjevanje, obvladovanje in spremljanje tveganj na vseh ravneh, vključno s poročanjem o tveganjih, ki jim zavarovalnica je ali bi jim lahko bila izpostavljena pri svojem poslovanju.

145. člen
(zavarovalno tveganje)

Zavarovalno tveganje je tveganje nastanka izgube ali neugodne spremembe v vrednosti zavarovalnih obveznosti zaradi neustreznih premij in neustreznih predpostavk, upoštevanih v izračunu zavarovalno-tehničnih rezervacij.

146. člen
(tržno tveganje)

Tržno tveganje je tveganje nastanka izgube ali neugodne spremembe v finančnem položaju zavarovalnice, ki nastane zaradi nihanj v višini in spremenljivosti tržnih cen sredstev, obveznosti in finančnih instrumentov.

147. člen
(kreditno tveganje)

Kreditno tveganje je tveganje izgube ali neugodne spremembe v finančnem položaju zavarovalnice zaradi nihanj v kreditnem položaju izdajateljev vrednostnih papirjev, nasprotnih strank in morebitnih dolžnikov, ki so jim izpostavljene zavarovalnice v obliki tveganja neplačila

RISK MANAGEMENT

4.1. *Terms related to risk management*

Article 144
(Risk management)

Risk management shall mean identifying, measuring or assessing, managing and monitoring of risks at all levels, including reporting on risks to which the insurance undertaking is or might be exposed in conducting its business.

Article 145
(Underwriting risk)

Underwriting risk shall mean the risk of loss or of adverse change in the value of insurance liabilities, due to inadequate premiums and provisioning assumptions which are taken into account for the calculation of technical provisions.

Article 146
(Market risk)

Market risk shall mean the risk of loss or of adverse change in the financial situation of the insurance undertaking which results from fluctuations in the level and in the volatility of market prices of assets, liabilities and financial instruments.

Article 147
(Credit risk)

Credit risk shall mean the risk of loss or of adverse change in the financial situation of the insurance undertaking which results from fluctuations in the credit standing of issuers of securities, counterparties and any debtors to which insurance undertakings are exposed, in the form

nasprotne stranke, tveganja spremembe kreditnega pribitka in tveganja koncentracije tržnega tveganja.

148. člen
(operativno tveganje)

Operativno tveganje je tveganje izgube zavarovalnice zaradi neprimernega ali neuspešnega izvajanja notranjih procesov, ravnanja ljudi ali delovanja sistemov ali zaradi zunanjih dogodkov.

149. člen
(likvidnostno tveganje)

Likvidnostno tveganje je tveganje zavarovalnice, da ne more unovčiti naložb in drugih sredstev za poravnavo svojih finančnih obveznosti, ko te zapadejo.

150. člen
(tveganje koncentracije)

Tveganje koncentracije je izpostavljanje tveganju z možnostjo izgube, ki je dovolj velika, da ogroža solventnost ali finančni položaj zavarovalnice.

151. člen
(tehnike za zmanjševanje tveganj)

Tehnike za zmanjševanje tveganj so vse tehnike, ki zavarovalnicam omogočajo, da prenesejo del ali vsa svoja tveganja na drugo osebo.

152. člen
(učinek razpršenosti)

Učinek razpršenosti zmanjšuje izpostavljenost zavarovalnice ali skupine zaradi razpršenosti njihovih poslov, ker se lahko neugoden izid enega tveganja poravna z ugodnejšim izidom drugega tveganja, če nista

of counterparty default risk, spread risk, and market risk concentrations.

Article 148
(Operational risk)

Operational risk shall mean the risk of loss of the insurance undertaking arising from inadequate or failed internal processes, personnel or systems, or from external events.

Article 149
(Liquidity risk)

Liquidity risk shall mean the risk that the insurance undertaking is unable to realise investments and other assets in order to settle its financial obligations when they fall due.

Article 150
(Concentration risk)

Concentration risk shall mean risk exposure with a loss potential which is large enough to threaten the solvency or the financial position of the insurance undertaking.

Article 151
(Risk-mitigation techniques)

Risk-mitigation techniques shall mean all techniques which enable insurance undertakings to transfer part or all of their risks to another person.

Article 152
(Diversification effect)

The diversification effect reduces the risk exposure of an insurance undertaking or a group due to the diversification of their business, resulting from the fact that the adverse outcome from one risk

takšni tveganji popolnoma soodvisni.

153. člen
(mera tveganja in napoved v obliki verjetnostne porazdelitve)

(1) Mera tveganja je matematični izraz, ki določeni napovedi v obliki verjetnostne porazdelitve dodeli denarni znesek in se monotono poveča s povečanjem tveganj, na katerih temelji napoved.

(2) Napoved v obliki verjetnostne porazdelitve je matematični izraz, ki obsežnemu nizu medsebojno izključujočih se prihodnjih dogodkov dodeli verjetnost uresničitve.

4.2. *Temeljna pravila o upravljanju tveganj*

154. člen
(sistem upravljanja tveganj)

(1) Sistem upravljanja tveganj zajema najmanj naslednja področja:
1. sklepanje zavarovanj in oblikovanje zavarovalno-tehničnih rezervacij;
2. upravljanje sredstev in obveznosti;
3. naložbe, zlasti v izvedene finančne instrumente in podobne obveze;
4. likvidnost;
5. upravljanje zavarovalnih, tržnih, kreditnih, operativnih, likvidnostnih tveganj in tveganj koncentracije ter vseh drugih tveganj, ki jim je zavarovalnica izpostavljena;
6. pozavarovanje in druge tehnike za zmanjševanje tveganj.

(2) Kadar zavarovalnica uporablja uskladitveno prilagoditev krivulje netvegane obrestne mere iz 182. člena tega zakona ali prilagoditev za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona, zavarovalnica izdela tudi likvidnostni načrt, v katerem predvidi vhodne in izhodne denarne tokove sredstev in obveznosti, za katere se izvedejo te prilagoditve, kadar uporablja

can be offset by a more favourable outcome from another risk, where those risks are not fully correlated.

Article 153
(Risk measure and probability distribution forecast)

(1) Risk measure shall mean a mathematical expression which assigns a monetary amount to a given probability distribution forecast and increases monotonically with the level of risk exposure underlying that probability distribution forecast.

(2) Probability distribution forecast shall mean a mathematical expression that assigns to an exhaustive set of mutually exclusive future events a probability of realisation.

4.2. *Fundamental rules on risk management*

Article 154
(Risk management system)

(1) The risk management system shall cover at least the following areas:
1. underwriting and technical provisioning;
2. asset–liability management;
3. investments, in particular in financial derivative instruments and similar commitments;
4. liquidity;
5. management of underwriting, market, credit, operational, liquidity and concentration risk and management of all other risks to which an insurance undertaking is exposed;
6. reinsurance and other risk-mitigation techniques.

(2) Where an insurance undertaking uses the matching adjustment of the risk-free interest rate term structure referred to in Article 182 of this Act or the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act, the insurance undertaking shall set up a liquidity plan projecting incoming and outgoing cash-flows in relation to the assets and liabilities subject to those adjustments. Where

prilagoditev za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona, zavarovalnica izdela tudi pisna pravila o merilih za uporabo te prilagoditve.

(3) Zavarovalnica organizira funkcijo upravljanja tveganj na način, ki olajšuje izvajanje sistema upravljanja tveganj.

155. člen
(dodatne naloge v zavarovalnici z notranjim modelom)

Funkcija upravljanja tveganj pri zavarovalnicah, ki uporabljajo delni ali popolni notranji model v skladu z 218. in 219. členom tega zakona, zajema naslednje dodatne naloge:

1. oblikovanje in umestitev notranjega modela v sistem upravljanja,
2. preizkušanje in ocenjevanje ustreznosti notranjega modela,
3. dokumentiranje notranjega modela in spreminjanje ter dokumentiranje sprememb pri notranjem modelu,
4. analiziranje učinkovitosti notranjega modela in priprava poročil o tem,
5. obveščanje uprave zavarovalnice o učinkovitosti notranjega modela in predlaganih izboljšavah ter o prizadevanjih glede izboljšav.

156. člen
(lastna ocena tveganj in solventnosti)

(1) Del sistema upravljanja tveganj je izvedba lastne ocene tveganj in solventnosti, ki je povezana s poslovno strategijo zavarovalnice. Zavarovalnica po vsaki pomembni spremembi tveganj iz prvega odstavka 154. člena tega zakona brez odlašanj izvede lastno oceno tveganj in solventnosti. V oceni zavarovalnica upošteva tveganja, ki jim je izpostavljena, meje dovoljenega tveganja in poslovno strategijo.

an insurance undertaking applies the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act, the insurance undertaking shall set up a written policy on the criteria for the application of this adjustment.

(3) Insurance undertakings shall organise the risk management function in a manner so as to facilitate the implementation of the risk management system.

Article 155
(Additional tasks in an insurance undertaking using an internal model)

For insurance undertakings using a partial or full internal model approved in accordance with Articles 218 and 219 of this Act, the risk management function shall cover the following additional tasks:

1. designing and implementing the internal model in the governance system,
2. testing and validating the suitability of the internal model,
3. documenting the internal model, and modifying and documenting modifications of the internal model,
4. analysing the performance of the internal model and preparing reports thereon,
5. informing the management board of the insurance undertaking about the performance of the internal model and suggested improvements and about the efforts regarding improvements.

Article 156
(Own risk and solvency assessment)

(1) As part of its risk management system the insurance undertaking shall, in connection with its business strategy, perform its own risk and solvency assessment. Following each significant modification of risks referred to in paragraph one of Article 154 of this Act, the insurance undertaking shall without any delay perform its own risk and solvency assessments. In the assessments, the insurance undertaking shall take into account the risks to which it is exposed, risk tolerance limits and the business strategy.

(2) Ocena iz prejšnjega odstavka vsebuje najmanj:

1. oceno solventnostnih potreb zavarovalnice,
2. oceno stalnega izpolnjevanja kapitalskih zahtev v skladu s 4.10. in 4.11. oddelkoma tega zakona in zahtev glede zavarovalno-tehničnih rezervacij v skladu s 4.8. oddelkom tega zakona,

3. oceno, kako pomembno je odstopanje tveganj, katerim je zavarovalnica izpostavljena, od predpostavk, v skladu s četrtim odstavkom 203. člena tega zakona, ki so bile podlaga za določitev zahtevanega solventnostnega kapitala v skladu s standardno formulo iz 4.10.2. pododdelka tega zakona oziroma v delnem ali popolnem notranjem modelu iz 4.10.3. pododdelka tega zakona.

(3) Za oceno iz 1. točke prejšnjega odstavka ima zavarovalnica postopke, ki ji omogočajo ustrezno opredelitev in oceno kratkoročnih ter dolgoročnih tveganj, ki jim je ali bi jim lahko bila izpostavljena. Zavarovalnica razkrije metode, ki jih je uporabila za ugotovitev lastne ocene tveganj in solventnosti. Postopki in metode so sorazmerni z naravo, obsegom in zahtevnostjo tveganj, ki jim je zavarovalnica izpostavljena.

(4) Kadar zavarovalnica uporablja uskladitvene prilagoditve krivulje netvegane obrestne mere iz 182. člena tega zakona ali prilagoditev za nestanovitost krivulje netvegane obrestne mere iz 184. člena tega zakona ali prehodne ukrepe iz 639. ali 640. člena tega zakona, oceni zavarovalnica lastno oceno skladnosti in solventnosti iz 2. točke drugega odstavka tega člena z upoštevanjem in brez upoštevanja uporabljenih prilagoditev oziroma prehodnih ukrepov.

(5) Kadar zavarovalnica uporablja notranji model, pri oceni iz 3. točke drugega odstavka tega člena izvede ponovno umeritev mere tveganja zahtevanega solventnostnega kapitala.

(6) Lastna ocena tveganj in solventnosti se ne uporabi za izračun zahtevanega solventnostnega kapitala.

(2) An assessment referred to in the preceding paragraph shall include at least the following:

1. an assessment of the solvency needs of the insurance undertaking,
2. an assessment of compliance, on a continuous basis, with the capital requirements, in accordance with Sections 4.10 and 4.11 of this Act, and with the requirements regarding technical provisions, in accordance with Section 4.8 of this Act,
3. an assessment of the importance of the deviation of the risks to which the insurance undertaking is exposed, from the assumptions pursuant to paragraph four of Article 203 of this Act that formed the basis for the determination of the solvency capital requirement pursuant to the standard formula referred to in Subsection 4.10.2 of this Act or in the partial or full internal model referred to in Subsection 4.10.3 of this Act.

(3) For the assessment referred to in point 1 of the preceding paragraph, an insurance undertaking shall have in place processes which enable it to properly define and assess the short-term and long-term risks to which it is or could be exposed. The insurance undertaking shall disclose the methods used in the assessment of its own risk and solvency. The procedures and methods shall be proportionate to the nature, scale and complexity of the risks to which the insurance undertaking is exposed.

(4) Where the insurance undertaking applies the matching adjustment of the risk-free interest rate term structure referred to in Article 182 of this Act or the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act or the transitional measures referred to in Articles 639 or 640 of this Act, the insurance undertaking shall perform its own assessment of compliance and solvency referred to in point 2 of paragraph two of this Article with and without taking into account those adjustments or transitional measures.

(5) Where an insurance undertaking uses an internal model, in the assessment referred to in point 3 of paragraph two of this Article a recalibration of the risk measure of the solvency capital requirement shall be performed.

(6) The own-risk and solvency assessment shall not be used to calculate the solvency capital requirement.

157. člen
(predpisi o upravljanju tveganj)

(1) Agencija za zavarovalni nadzor predpiše:

1. omejitve glede sredstev in referenčnih vrednosti, na katere so lahko vezana upravičenja iz zavarovalnih pogodb pri zavarovanjih, pri katerih zavarovalec prevzema naložbeno tveganje, kadar je zavarovalec lahko fizična oseba. Predpisi ne smejo biti bolj omejujoči, kot so omejitve, določene z Direktivo 2009/65/ES;
2. podrobnejša pravila za obravnavo udeležb iz akta, ki ga izda Evropska komisija na podlagi 1a) točke prvega odstavka 92. člena Direktive 2009/138/ES, ter način in roke poročanja;
3. podrobnejšo opredelitev lastnosti postavk lastnih virov sredstev iz 191. člena tega zakona ter podrobnejša pravila za njihovo razvrščanje v razrede v skladu s 197. členom tega zakona in seznamom iz 195. člena tega zakona, kakor tudi podrobnejšo opredelitev njihove primernosti v skladu s 199. in 200. členom tega zakona, ukrepov v primeru nedoseganja zahtevanega solventnostnega ali minimalnega kapitala in podrobnejšo opredelitev postavk lastnih virov sredstev iz 625. člena tega zakona;
4. podrobnejšo opredelitev pogojev in postopka za odobritev in razvrstitev postavk lastnih virov sredstev, ki še niso na seznamu lastnih virov sredstev iz 195. člena tega zakona;
5. podrobnejšo opredelitev pogojev in postopka za odobritev morebitnih postavk pomožnih lastnih virov sredstev in njihove razvrstitve v seznam lastnih virov sredstev ter sprotnega preverjanja, ali odobrene postavke pomožnih lastnih virov sredstev še izpolnjujejo merila za izdajo odobritve;
6. podrobnejše značilnosti in možne vrste omejenih skladov iz prvega odstavka 241. člena tega zakona, podrobnejša pravila za izračun teoretičnega zahtevanega solventnostnega kapitala omejenega sklada, za ugotavljanje presežka ali primanjkljaja lastnih virov sredstev omejenega sklada glede na zahtevani solventnostni kapital in način in roke poročanja;
7. podrobnejša pravila in vsebino lastne ocene tveganj in solventnosti;
8. podrobnejša navodila za vrednotenje zavarovalno-tehničnih rezervacij;
9. pogoje in način pokrivanja izgub z zmanjševanjem zavarovalno tehničnih rezervacij in odloženih davkov;

Article 157
(Regulations regarding risk management)

(1) The Insurance Supervision Agency shall prescribe:

1. limits regarding the funds and reference values to which the benefits from insurance contracts regarding insurance where the policyholder assumes investment risk, where the policyholder may be a natural person, are bound. Regulations must not be more restrictive than the restriction laid down in Directive 2009/65/EC;
2. detailed rules on the treatment of participations referred to in the act issued by the European Commission pursuant to Article 92(1)(1a) of Directive 2009/138/EC, and the method and deadlines for reporting;
3. a detailed definition of the characteristics of own funds items referred to in Article 191 of this Act, and detailed rules concerning their classification pursuant to Article 197 of this Act and the list referred to in Article 195 of this Act, as well as a detailed definition of their eligibility pursuant to Articles 199 and 200 of this Act, measures if the solvency and the minimum capital requirements are not met, and a detailed definition of the own funds items referred to in Article 625 of this Act;
4. a detailed definition of the conditions and the procedure to approve and classify own funds items which are not yet on the list of own funds referred to in Article 195 of this Act;
5. a detailed definition of the conditions and the procedure to approve potential items of ancillary own funds and their classification on the list of own funds, and to regularly monitor whether the approved items of ancillary own funds still meet the criteria for approval;
6. detailed characteristics and possible types of ring-fenced funds referred to in paragraph one of Article 241 of this Act, detailed rules on the calculation of the theoretical solvency capital requirement of a ring-fenced fund, the establishment of surplus or deficit of own funds of a ring-fenced fund in view of the solvency capital requirement, and the manner and deadlines for reporting;
7. detailed rules and the content of own risk and solvency assessment;
8. detailed instructions on the evaluation of technical provisions;
9. the conditions and method for covering loss by reducing technical provisions and deferred taxes;

10. uporabo modula tržnega tveganja ter tveganja neplačila nasprotne stranke;
11. uporabo modula tveganja življenjskih zavarovanj;
12. uporabo podmodula tveganja katastrof iz pogodb premoženjskih zavarovanj in podmodula tveganja katastrof iz pogodb zdravstvenih zavarovanj;
13. uporabo notranjih modelov oziroma parametrov specifičnih za posamezno podjetje.

(2) Agencija za zavarovalni nadzor s predpisom iz:

- 2. točke prejšnjega odstavka upošteva akt, ki ga Evropska komisija izda na podlagi 1.a točke prvega odstavka 92. člena Direktive 2009/138/ES;
- 3. točke prejšnjega odstavka upošteva akt, ki ga Evropska komisija izda na podlagi prvega odstavka 97. člena Direktive 2009/138/ES;
- 4. točke prejšnjega odstavka upošteva akt, ki ga Evropska komisija izda na podlagi drugega odstavka 97. člena Direktive 2009/138/ES;
- 5. točke prejšnjega odstavka upošteva akt, ki ga Evropska komisija izda na podlagi prvega in tretjega odstavka 92. člena Direktive 2009/138/ES;
- 6. točke prejšnjega odstavka upošteva akt, ki ga Evropska komisija izda na podlagi b. točke 99. člena in h. točke prvega odstavka 111. člena Direktive 2009/138/ES;
- 13. točke prejšnjega odstavka upošteva akt, ki ga Evropska komisija izda na podlagi k. točke prvega odstavka 111. člena Direktive 2009/138/ES.

4.3. *Splošni standardi upravljanja tveganj*

158. člen
(odgovornost organov vodenja in nadzora za spoštovanje pravil o upravljanju tveganj)

(1) Organi vodenja in nadzora zavarovalnice v okviru svojih pristojnosti zagotovijo, da zavarovalnica posluje v skladu z zakonodajo, in v zvezi s tem zlasti:

10. the application of market risk and counterparty default risk modules;
11. application of the life underwriting risk module;
12. application of the non-life catastrophe risk sub-module and health catastrophe risk sub-module;
13. application of internal models or parameters specific to individual undertakings.

(2) The Insurance Supervision Agency shall in the regulation referred to in:

- point 2 of the preceding paragraph take into account the document issued by the European Commission on the basis of point 1a of paragraph 1 of Article 92 of Directive 2009/138/EC;
- point 3 of the preceding paragraph take into account the document issued by the European Commission on the basis of paragraph 1 of Article 97 of Directive 2009/138/EC;
- point 4 of the preceding paragraph take into account the document issued by the European Commission on the basis of paragraph 2 of Article 97 of Directive 2009/138/EC;
- point 5 of the preceding paragraph take into account the document issued by the European Commission on the basis of paragraphs 1 and 3 of Article 92 of Directive 2009/138/EC;
- point 6 of the preceding paragraph take into account the document issued by the European Commission on the basis of point b of Article 99 and point h of paragraph 1 of Article 111 of Directive 2009/138/EC;
- point 13 of the preceding paragraph take into account the document issued by the European Commission on the basis of point k of paragraph 1 of Article 111 of Directive 2009/138/EC.

4.3. *General standards of risk management*

Article 158
(Responsibility of management and supervisory bodies regarding compliance with risk management rules)

(1) The management and supervisory bodies of an insurance undertaking shall ensure within the scope of their powers that an insurance undertaking operates in accordance with legislation, and

1. pisno določijo natančna, pregledna in dosledna notranja razmerja glede odgovornosti, ki:
   - zagotavljajo jasno razmejitev pristojnosti in nalog v zavarovalnici in učinkovit sistem za zagotovitev prenosa informacij ter
   - preprečujejo nastanek nasprotja interesov;
2. odobrijo in redno preverjajo strategije in pisna pravila glede upravljanja tveganj, sistema notranjih kontrol, notranje revizije, aktuarske funkcije in, če je primerno, glede izločenih poslov ter zagotovijo njihovo izvajanje.

(2) Strategije in pisna pravila glede upravljanja tveganj iz 2. točke prejšnjega odstavka zajemajo najmanj področja iz 154. člena tega zakona.

(3) Strategije in pisna pravila iz 2. točke prvega odstavka tega člena so najmanj enkrat letno predmet notranjega pregleda.

159. člen
(načrtovanje in izvajanje ukrepov upravljanja tveganj in notranji postopki za upravljanje tveganj)

(1) Zavarovalnica določi načrt ukrepov upravljanja tveganj, ki obsega:
1. notranje postopke za upravljanje tveganj,
2. ukrepe za upravljanje tveganj in notranje postopke za izvajanje teh ukrepov,
3. notranje postopke za spremljanje izvajanja ukrepov za upravljanje tveganj.

(2) Ukrepi za upravljanje tveganj in postopki za izvajanje in spremljanje izvajanja teh ukrepov so v načrtu iz prejšnjega odstavka določeni za vsako vrsto tveganja, ki jim je zavarovalnica izpostavljena pri posameznih vrstah poslov, ki jih opravlja, in za tveganja, ki jim je izpostavljena pri vseh poslih, ki jih opravlja.

(3) Zavarovalnica določi in izvaja ukrepe za upravljanje tveganj,

particularly in this context:
1. lay down in writing precisely defined, transparent and consistent internal relations regarding responsibility which:
   - provide a clear segregation of powers and duties in the insurance undertaking and an efficient system to transfer information and
   - prevent the creation of any conflicts of interest;
2. approve and periodically review the insurance undertaking's strategies and written rules regarding risk management, the internal control system, internal auditing, the actuarial function and, where appropriate, regarding outsourced business, and ensure their implementation.

(2) The strategies and written rules regarding risk management referred to in point 2 of the preceding paragraph shall cover at least the areas referred to in Article 154 of this Act.

(3) The strategies and written rules referred to in point 2 of paragraph one of this Article shall be subject to internal audit at least once a year.

Article 159
(Planning and implementation of measures on risk management and internal risk management procedures)

(1) An insurance undertaking shall prepare a risk management plan comprising:
1. internal procedures on risk management,
2. measures on risk management and internal procedures to implement such measures,
3. internal procedures for monitoring the implementation of risk management measures.

(2) Measures on risk management and procedures for the implementation and monitoring of such measures shall be determined in the plan referred to in the preceding paragraph for each type of risk to which the insurance undertaking is exposed in specific types of transactions which it conducts and for risks to which it is exposed in all transactions it conducts.

(3) An insurance undertaking shall determine and implement

določene s tem zakonom oziroma predpisi o upravljanju tveganj, in druge ukrepe, ki so glede na značilnosti in vrsto tveganj, ki jim zavarovalnica je ali bi jim lahko bila izpostavljena pri svojem poslovanju, potrebni za upravljanje teh tveganj.

(4) Zavarovalnica vzpostavi učinkovit sistem notranjih kontrol za:
- ugotavljanje in merjenje tveganj, ki jim zavarovalnica je ali bi jim lahko bila izpostavljena pri svojem poslovanju,
- izračunavanje in preverjanje izpolnjevanja zahtev tega zakona in predpisov o upravljanju tveganj glede zavarovalno-tehničnih rezervacij, zahtevanega solventnostnega kapitala, zahtevanega minimalnega kapitala in naložb ter
- ugotavljanje skladnosti tveganj zavarovalnice s tveganji, predvidenimi v strategijah in pisnih pravilih zavarovalnice.

(5) Zavarovalnica organizira svoje poslovanje in tekoče vodi poslovne knjige, poslovno dokumentacijo in druge administrativne oziroma poslovne evidence tako, da je mogoče kadar koli preveriti, ali posluje v skladu s pravili o upravljanju tveganj.

160. člen
(sistem notranjih kontrol in funkcija skladnosti)

(1) Za delovanje sistema notranjih kontrol zavarovalnica vzpostavi in dosledno uresničuje primerne administrativne in računovodske postopke ter ustrezno uredi poročanje na vseh ravneh.

(2) V okviru sistema notranjih kontrol zavarovalnica vzpostavi tudi funkcijo spremljanja skladnosti, ki deluje neodvisno in ima naslednje odgovornosti:

1. spremljanje in redno ocenjevanje primernosti in učinkovitosti rednih postopkov in ukrepov, sprejetih za odpravljanje morebitnih pomanjkljivosti na področju skladnosti poslovanja zavarovalnice s predpisi in drugimi zavezami;

the measures on risk management provided by this Act or by regulations on risk management and other measures required, in terms of the characteristics and types of the risks to which the insurance undertaking is or could be exposed in its business and therefore necessary for managing such risks.

(4) An insurance undertaking shall establish an efficient system of internal controls to:
- establish and measure the risks to which the insurance undertaking is or could be exposed in the course of its business,
- calculate and verify fulfilment of the requirements provided by this Act and regulations on risk management regarding technical provisions, solvency capital requirement, minimum capital requirement and investments and
- establish the compliance of the insurance undertaking's risks with the risks expected in the strategies and in the written rules of the insurance undertaking.

(5) An insurance undertaking shall organise its business and keep current books of account, business documents, and other administrative and business records so that it may be possible at any time to verify whether it conducts business in compliance with the risk management rules.

Article 160
(System of internal controls and compliance function)

(1) In order for the system of internal controls to function, the insurance undertaking shall establish and strictly implement adequate administrative and accounting procedures and appropriately organise reporting at all levels.

(2) In the context of the system of internal controls, an insurance undertaking shall also establish the compliance monitoring function, which shall function independently and have the following responsibilities:
1. monitoring and regularly evaluating the adequacy and effectiveness of regular procedures and measures adopted to remedy potential shortcomings in the area of compliance of the business of the insurance undertaking with regulations and other commitments;

2. svetovanje in pomoč pri uskladitvi poslovanja zavarovalnice z obveznostmi, ki jih določajo predpisi, in z drugimi zavezami;

3. ocenjevanje možnih vplivov sprememb v pravnem okolju na poslovanje zavarovalnice z vidika skladnosti poslovanja zavarovalnice s predpisi in drugimi zavezami;

4. opredeljevanje in ocenjevanje tveganja glede skladnosti poslovanja zavarovalnice s predpisi in drugimi zavezami;

5. seznanjanje uprave in nadzornega sveta zavarovalnice o skladnosti poslovanja zavarovalnice s predpisi in drugimi zavezami in o oceni tveganja glede skladnosti poslovanja zavarovalnice.

2. advising and assisting in aligning the business of the insurance undertaking with obligations, as provided by regulations, and with other commitments;
3. assessing the potential effects of modifications in the legal environment on the business of the insurance undertaking from the aspect of the compliance of its business with regulations and other commitments;
4. defining and assessing the risks regarding the compliance of business of the insurance undertaking with regulations and other commitments;
5. notifying the management board and the supervisory board of the insurance undertaking on the compliance of business with regulations and other commitments, and of risk assessment regarding the compliance of the business of the insurance undertaking.

4.4. *Funkcija notranje revizije*

161. člen
(notranja revizija)

(1) Zavarovalnica organizira funkcijo notranje revizije, ki je neposredno podrejena upravi zavarovalnice ter funkcionalno in organizacijsko ločena od drugih delov zavarovalnice.

(2) Nosilca funkcije notranje revizije pooblasti in mu odvzame pooblastilo upravni odbor oziroma uprava zavarovalnice v soglasju z nadzornim svetom.

(3) Upravni odbor oziroma uprava zavarovalnice v soglasju z nadzornim svetom sprejme akt o delovanju notranje revizije.

(4) Osebe, ki opravljajo naloge notranjega revidiranja, imajo dostop do vseh informacij in listin zavarovalnice v kakršnikoli obliki, ki jih potrebujejo za opravljanje svojih nalog. Nosilec funkcije notranje revizije ima neposreden in neomejen dostop do članov uprave, revizijske komisije ter nadzornega sveta zavarovalnice.

4.4. *Internal audit function*

Article 161
(Internal audit)

(1) An insurance undertaking shall organise the internal audit function that is directly subordinated to the management board of the insurance undertaking and is organisationally and functionally separated from other organisational units of the insurance undertaking.

(2) The holder of the internal audit function shall be authorised, or have their authorisation withdrawn, by the board of directors or the management board of an insurance undertaking in agreement with the supervisory board.

(3) The board of directors or the management board of an insurance undertaking shall, in agreement with the supervisory board, adopt an act on the operation of internal audit.

(4) Persons who carry out the tasks of internal auditing shall have access to all information and documents of the insurance undertaking in any form needed for the performance of their task. The holder of the internal audit function shall have direct and unlimited access to members of the management board, the audit committee and the

supervisory board of the insurance undertaking.

162. člen
(naloge notranje revizije)

(1) Notranje revidiranje je na oceni tveganj zasnovan stalen in celovit nadzor nad poslovanjem zavarovalnice z namenom preverjanja in ocenjevanja, ali so procesi upravljanja tveganj, kontrolnih postopkov in upravljanja zavarovalnice ustrezni ter delujejo na način, ki zagotavlja doseganje naslednjih pomembnih ciljev zavarovalnice:

1. uspešno in učinkovito poslovanje zavarovalnice, vključno z doseganjem ciljev poslovne in finančne uspešnosti, ter varovanje sredstev pred izgubo;
2. zanesljivo, pravočasno, in pregledno notranje in zunanje računovodsko in neračunovodsko poročanje;
3. skladnost z zakoni in drugimi predpisi ter notranjimi pravili.

(2) Notranja revizija opravlja notranje revidiranje poslovanja v skladu s Hierarhijo pravil notranjega revidiranja, ki jo sprejema Slovenski inštitut za revizijo na podlagi zakona, ki ureja revidiranje, ter pisnimi pravili delovanja notranje revizije.

163. člen
(opravljanje notranje revizije)

Nosilec funkcije notranje revizije je oseba, ki je pridobila naziv preizkušeni notranji revizor v skladu z zakonom, ki ureja revidiranje.

164. člen
(načrt dela notranje revizije)

(1) Notranja revizija pripravi, izvaja in vzdržuje strategijo dela za obdobje, v katerem je zagotovljena pokritost celotnega poslovanja zavarovalnice, vključno s celotnim sistemom upravljanja zavarovalnice. Strategija dela je zasnovana na oceni tveganj.

Article 162
(Tasks of internal audit)

(1) Internal auditing is the regular and comprehensive supervision of business of an insurance undertaking based on a risk assessment, intended to verify and assess if the processes regarding risk management, control procedures and management procedures of the insurance undertaking are adequate and functioning in a manner that ensures the achievement of the following important objectives of the insurance undertaking:

1. successful and efficient business of the insurance undertaking, including by achieving the objectives of commercial and financial performance, and protection of funds against loss;
2. reliable, timely and transparent internal and external financial and non-financial reporting;
3. compliance with Acts and other regulations and internal rules.

(2) Internal audit shall conduct internal audits of business in accordance with the Hierarchy of Rules on Internal Auditing adopted by the Slovenian Institute of Auditors on the basis of the Act governing auditing, and written rules on the functioning of internal audit.

Article 163
(Conducting internal audit)

The holder of the internal audit function shall be a person that has acquired the title of a qualified internal auditor pursuant to the Act governing auditing.

Article 164
(Internal audit work plan)

(1) Internal audit shall prepare, execute and maintain the work strategy for the period that ensures the coverage of the entire business of the insurance undertaking, including the entire governance system of the insurance undertaking. The work strategy shall be based on a risk

(2) Na podlagi strategije dela iz prejšnjega odstavka izdela notranja revizija letni načrt dela za naslednje leto, ki je zasnovan na oceni tveganj in obsega:

1. področja poslovanja, na katerih bo notranja revizija opravila pregled poslovanja, in
2. opis vsebine načrtovanih pregledov poslovanja po posameznih področjih.

(3) Letni načrt dela notranje revizije sprejme upravni odbor oziroma uprava zavarovalnice v soglasju z nadzornim svetom zavarovalnice.

165. člen
(poročilo o notranjem revidiranju)

(1) Notranja revizija najmanj za vsako polletje izdela poročilo o notranjem revidiranju, ki obsega najmanj:
1. opis vsebine opravljenih pregledov poslovanja,
2. oceno primernosti in učinkovitosti upravljanja tveganj na področjih poslovanja, ki so bila predmet pregleda,
3. oceno primernosti in učinkovitosti delovanja sistema notranjih kontrol na področjih poslovanja, ki so bili predmet pregleda,
4. ugotovitve in priporočila notranje revizije na podlagi posameznih pregledov poslovanja,
5. ugotovitve v zvezi z uresničevanjem priporočil notranje revizije.

(2) Notranja revizija izdela letno poročilo o notranjem revidiranju, ki obsega:
1. poročilo o uresničitvi letnega načrta dela notranje revizije,

2. povzetek pomembnejših ugotovitev notranje revizije na podlagi opravljenih pregledov poslovanja, vključno z oceno primernosti in učinkovitosti delovanja sistemov notranjih kontrol in upravljanja tveganj na revidiranih področjih.

(3) Polletno in letno poročilo notranja revizija predloži upravi in

assessment.

(2) On the basis of the work strategy referred to in the preceding paragraph, the internal audit shall prepare an annual work plan for the next year which shall be based on a risk assessment and shall include:
1. the areas of business that will be subject to auditing, and

2. a description of planned audits of business by individual area.

(3) The insurance undertaking's board of directors or management board shall adopt the internal audit's annual work plan with the consent of the insurance undertaking's supervisory board.

Article 165
(Internal audit report)

(1) Internal audit shall draw up a half yearly audit report comprising at least the following elements:
1. a description of the content of audits of business carried out,
2. an assessment of the adequacy and effectiveness of risk management in the areas of business subject to audit,
3. an assessment of the adequacy and effectiveness of the system of internal controls in the areas of business subject to audit,
4. findings and recommendations of the internal audit on the basis of individual audits of business,
5. findings relating to the implementation of recommendations of the internal audit.

(2) Internal audit shall draw up an annual internal audit report which shall contain:
1. a report on the implementation of the internal audit's annual work plan,
2. a summary of significant findings of the internal audit on the basis of conducted audits of business, including the assessment of the adequacy and effectiveness of the functioning of systems of internal controls and risk management systems in the audited area.

(3) The internal audit shall submit its half-yearly and annual

nadzornemu svetu.

(4) Uprava zavarovalnice seznani skupščino z letnim poročilom o notranjem revidiranju z mnenjem nadzornega sveta.

166. člen
(obveščanje uprave in nadzornega sveta zavarovalnice)

(1) Vse ugotovitve in priporočila poroča notranja revizija upravi zavarovalnice.

(2) Uprava zavarovalnice v zvezi z ugotovitvami in priporočili notranje revizije določi ukrepe in zagotovi njihovo izvrševanje.

(3) Če notranja revizija pri pregledu poslovanja ugotovi, da zavarovalnica krši pravila o upravljanju tveganj ter ji zaradi tega grozi nelikvidnost ali kapitalska neustreznost ali da je ogrožena varnost poslovanja, nemudoma obvesti upravo zavarovalnice.

(4) Če notranja revizija pri pregledu poslovanja ugotovi, da uprava zavarovalnice krši pravila o upravljanju tveganj, nemudoma obvesti upravo in nadzorni svet.

4.5. *Aktuarska funkcija*

167. člen
(splošne določbe)

(1) Zavarovalnica organizira aktuarsko funkcijo.

(2) Upravni odbor oziroma uprava zavarovalnice v soglasju z nadzornim svetom sprejme akt, s katerim opredeli naloge aktuarske

reports to the insurance undertaking's management board and supervisory board.

(4) The management board of an insurance undertaking shall inform the general meeting of the annual internal audit report, with the opinion of the supervisory board.

Article 166
(Notification of insurance undertaking's management board and supervisory board)

(1) Internal audit shall report all findings and recommendations to the insurance undertaking's management board.

(2) The insurance undertaking's management board shall, regarding the findings and recommendations of the internal audit, determine the measures and ensure their implementation.

(3) If during the audit of business, internal audit determines that the insurance undertaking is violating risk management rules and it is thus threatened with illiquidity or capital inadequacy or if such violations jeopardise the safety of its business, it shall notify the management board accordingly without delay.

(4) If during an audit of business the internal audit determines that the insurance undertaking's management board is violating risk management rules, it shall notify the management board and supervisory board without delay.

4.5. *Actuarial function*

Article 167
(General provisions)

(1) An insurance undertaking shall organize an actuarial function.

(2) The board of directors or the management board of an insurance undertaking shall, in agreement with the supervisory board,

funkcije, pristojnost nosilca aktuarske funkcije, postopek pooblastitve nosilca aktuarske funkcije in znanje, ki ga ima nosilec aktuarske funkcije.

(3) Osebe, ki v zavarovalnici izvajajo naloge aktuarske funkcije, imajo ustrezno znanje, sorazmerno naravi in zahtevnosti nalog, ki jih izvajajo.

(4) Nosilec aktuarske funkcije in druge osebe, ki v zavarovalnici izvajajo naloge aktuarske funkcije, imajo dostop do vseh informacij zavarovalnice, ki so potrebne za opravljanje teh nalog.

(5) Nosilec aktuarske funkcije je zmožen Agenciji za zavarovalni nadzor dokazati, da uporabljene aktuarske metode, tehnike in predpostavke ustrezajo tveganjem, ki jim je izpostavljena zavarovalnica, kot tudi njenemu poslovanju.

168. člen
(naloge aktuarske funkcije)

(1) Naloge aktuarske funkcije so, da:

1. koordinira izračun zavarovalno-tehničnih rezervacij;
2. zagotavlja, da se za izračun zavarovalno-tehničnih rezervacij uporabljajo ustrezne metode in modeli ter predpostavke;
3. ocenjuje ustreznost, zadostnost in kakovost podatkov, potrebnih za izračun zavarovalno-tehničnih rezervacij;
4. primerja znesek zavarovalno-tehničnih rezervacij z izkustvi;
5. obvešča organe vodenja in nadzora zavarovalnice o zanesljivosti in ustreznosti metod, modelov ter predpostavk, uporabljenih v izračunu zavarovalno-tehničnih rezervacij, ter o ustreznosti izračuna zavarovalno-tehničnih rezervacij;
6. nadzira izračun zavarovalno-tehničnih rezervacij, ko se za izračun uporabljajo približki;
7. preverja ustreznost splošne politike prevzemanja zavarovalnih tveganj in ustreznost višine zavarovalne premije za posamezne produkte s stališča, ali premija za posamezne produkte zadošča za pokrivanje vseh obveznosti iz teh zavarovalnih pogodb;
8. preverja ustreznost pozavarovanja oziroma prenosa tveganj na

adopt an act defining the tasks of the actuarial function, the powers of the holder of the actuarial function, the procedure to authorise the holder of the actuarial function and expertise of the holder of the actuarial function.

(3) Persons that carry out the tasks of the actuarial function shall have suitable knowledge, commensurate with the nature and complexity of the tasks being carried out.

(4) The holder of the actuarial function and other persons that are carrying out tasks of the actuarial function in an insurance undertaking shall have access to all the information of the insurance undertaking which is necessary to perform these tasks.

(5) The holder of the actuarial function shall be able to prove to the Insurance Supervision Agency that the applied actuarial methods, techniques and assumptions correspond to the risks to which the insurance undertaking is exposed as well as to its business.

Article 168
(Tasks of the actuarial function)

(1) The actuarial function has the following tasks:

1. coordinate the calculation of technical provisions;
2. ensure that for the calculation of technical provisions suitable methods and models and assumptions are used;
3. evaluate the suitability, adequacy and quality of information needed to calculate technical provisions;
4. compare the amount of technical provisions against experience;
5. notify the management and supervisory bodies of the insurance undertaking of the reliability and suitability of the methods, models and assumptions for the calculation of technical provisions and of the suitability of the calculation of technical provisions;
6. supervise the calculation of technical provisions in cases where proxies are used for calculations;
7. verify the adequacy of the general policy regarding underwriting risk-taking, and the suitability of the amount of the insurance premium for individual products from the point of view whether the premium for individual products is adequate to cover all obligations from these insurance contracts;
8. verify the adequacy of the reinsurance or of the transfer of risks to a

namensko družbo;
9. sodeluje pri implementaciji in izvajanju sistema upravljanja tveganj, zlasti pri razvoju, uporabi in spremljanju ustreznosti modelov za izračun kapitalskih zahtev in izvedbi lastne ocene tveganj in solventnosti.

169. člen
(nosilec aktuarske funkcije)

(1) Nosilec aktuarske funkcije izpolnjuje pogoje iz 1. točke drugega odstavka 52. člena tega zakona, če:
1. ima znanje s področja aktuarstva in finančne matematike;

2. je vsaj zadnji dve leti pred pooblastitvijo opravljal aktuarsko funkcijo ali naloge pooblaščenega aktuarja na portfelju, ki je primerljiv s tistim, za katerega bo odgovoren kot nosilec aktuarske funkcije oziroma je vsaj zadnji dve leti pred pooblastitvijo opravljal naloge, ki jih nadzira, kontrolira oziroma koordinira nosilec aktuarske funkcije ali pooblaščeni aktuar, na portfelju, ki je primerljiv s tistim, za katerega bo odgovoren kot nosilec aktuarske funkcije.

(2) Agencija za zavarovalni nadzor predpiše vsebino znanja s področja aktuarstva in finančne matematike iz 1. točke prejšnjega odstavka.

170. člen
(obveščanje in ukrepanje uprave zavarovalnice)

(1) Nosilec aktuarske funkcije nadzorni svet in upravo zavarovalnice obvešča o ugotovitvah glede:

1. zanesljivosti in ustreznosti uporabljenih metod, modelov ter predpostavk, uporabljenih v izračunu zavarovalno-tehničnih rezervacij, in o tem, ali so oblikovane zavarovalno-tehnične rezervacije primerne za pokrivanje vseh obveznosti iz prevzetih

special purpose vehicle;
9. take part in the implementation and carrying out of the risk management system, in particular regarding development, usage and monitoring of the suitability of models for calculating capital requirements and the implementation of own risk and solvency assessment.

Article 169
(Holder of the actuarial function)

(1) The holder of an actuarial function shall meet the conditions referred to in point 1 of paragraph two of Article 52 of this Act if they:
1. have the requisite expertise in actuarial science and financial mathematics;
2. have been performing the actuarial function or the tasks of a certified actuary on a portfolio which is comparable to the portfolio for which they will be responsible as the holder of the actuarial function, for at least two years prior to being authorised, or at least two years prior to being authorised they have been performing tasks which were supervised, monitored or coordinated by a holder of the actuarial function or a certified actuary on a portfolio which is comparable to the portfolio for which they will be responsible as the holder of the actuarial function.

(2) The Insurance Supervision Agency shall prescribe the requisite expertise in actuarial science and financial mathematics referred to in point 1 of the preceding paragraph.

Article 170
(Notifications and actions of the management board of an insurance undertaking)

(1) The holder of the actuarial function shall notify the management board and the supervisory board of an insurance undertaking of findings on:
1. the reliability and suitability of methods, models and assumptions for the calculation of technical provisions, and whether the established technical provisions are adequate to cover all obligations under assumed insurance;

zavarovanj;
2. politike prevzemanja zavarovalnih tveganj, vključno z ugotovitvami glede višine zavarovalnih premij za posamezne produkte z vidika, ali je premija posameznih produktov zadostna za pokrivanje vseh obveznosti iz teh produktov;
3. ustreznosti pozavarovanja oziroma prenosa tveganj na namensko družbo.

(2) Ugotovitve in mnenja nosilca aktuarske funkcije so objektivna ter neodvisna od vpliva drugih poslovnih področij.

(3) Nosilec aktuarske funkcije pripravi pisno poročilo o ugotovitvah iz prvega odstavka tega člena za preteklo poslovno leto in po stanju na zadnji dan preteklega poslovnega leta.

(4) Uprava zavarovalnice v zvezi z ugotovitvami in mnenjem nosilca aktuarske funkcije določi ukrepe in zagotovi njihovo izvrševanje.

(5) Če nosilec aktuarske funkcije pri upravljanju nalog ugotovi, da zavarovalne premije za posamezna zavarovanja in drugi razpoložljivi viri teh zavarovanj ne zadoščajo za pokrivanje vseh obveznosti iz zavarovalnih pogodb oziroma da zavarovalnica zavarovalno-tehničnih rezervacij ne oblikuje v skladu s predpisi, nemudoma oziroma najpozneje v roku osmih dni od ugotovitve poroča upravi zavarovalnice.

4.6. *Izločen posel*

171. člen
(izločeni posel)

(1) Izločeni posel je funkcija oziroma aktivnost zavarovalnice, dana v zunanje izvajanje, ki je ključna oziroma pomembna za poslovanje zavarovalnice.

(2) Zavarovalnica v zvezi z izločenimi posli sprejme akt, s

2. the policy on the assumption of underwriting risks, including findings regarding the amount of insurance premiums for individual products in terms of whether premiums for individual products, are sufficient to cover all the obligations arising from those products;
3. the adequacy of reinsurance or the transfer of risks to a special purpose vehicle.

(2) The findings and opinions of the holder of the actuarial function shall be objective and independent of the impact of other business areas.

(3) The holder of the actuarial function shall draft a written report on the findings referred to in paragraph one of this Article for the previous business year and as at the last day of the previous business year.

(4) The management board of the insurance undertaking shall, regarding the findings and opinion of the holder of the actuarial function, determine the measures and ensure their implementation.

(5) If in carrying out their tasks the holder of the actuarial function determines that insurance premiums for individual types of insurance and other available sources from such insurance are not adequate to cover all liabilities under insurance contracts, or that the insurance undertaking has not formed technical provisions according to regulations, they shall promptly, and no later than eight days after the finding, report this to the management board of the insurance undertaking.

4.6. *Outsourced activity*

Article 171
(Outsourced activity)

(1) An outsourced activity is a function or activity of an insurance undertaking that has been outsourced and is key or important for the insurance undertaking’s business.

(2) An insurance undertaking shall, in relation to outsourced

katerim določi pristop k izločenem poslu in postopke izvajanja izločenih poslov za čas trajanja pogodbe o izločenem poslu, kar vključuje zlasti:

1. kriterij določitve, ali je funkcija oziroma aktivnost ključna oziroma pomembna;
2. način izbora prevzemnika izločenega posla ustrezne kakovosti in način oziroma pogostost ocenjevanja njegovih rezultatov oziroma izvajanja storitev;
3. metode in postopek spremljanja skladnosti in učinkovitosti izvajanja izločenega posla;
4. pogoje, ki jih izpolnjuje prevzemnik izločenega posla;
5. druge sestavine, ki se vključijo v pogodbo s prevzemnikom izločenega posla.

(3) Zavarovalnica vodi seznam vseh izločenih poslov. Vsebina seznama se določi v pisnih pravilih, ki jih zavarovalnica izdela v zvezi z izločenimi posli.

(4) Zavarovalnica je v celoti odgovorna za izpolnjevanje svojih obveznosti, tudi kadar prenese pomemben del poslovanja v zunanje izvajanje kot izločeni posel.

(5) Izločitev pomembnega dela poslovanja v zunanje izvajanje ne sme:
1. poslabšati kakovosti sistema upravljanja zavarovalnice,
2. neupravičeno povečati operativnega tveganja,
3. omejiti sposobnosti Agencije za zavarovalni nadzor za spremljanje skladnosti zavarovalnice z njenimi obveznostmi,
4. ogroziti stalnosti in ustreznosti storitev zavarovalcem.

(6) Izločen posel je predmet upravljanja tveganj in notranje kontrole.

(7) Zavarovalnica šest tednov pred sklenitvijo pogodbe o izločenem poslu oziroma njenih spremembah o tem obvesti Agencijo za zavarovalni nadzor.

(8) Agencija za zavarovalni nadzor prepove sklenitev pogodbe

activities, adopt an act, by which it lays down the approach towards outsourced activities and the procedures of implementing outsourced activities for the duration of the outsourcing agreements, which shall include in particular:
1. the criteria to determine whether a function or activity is key or important;
2. the manner of selecting a service provider of suitable quality and the manner or frequency of assessing their results or the provision of services;
3. the methods and the procedures of monitoring compliance and the efficiency of outsourced activity implementation;
4. the conditions that the service provider needs to fulfil;
5. other elements which shall be included in the agreement with the service provider.

(3) An insurance undertaking shall keep a list of all outsourced activities. The content of the list shall be laid down in written rules drafted by the insurance undertaking in relation to outsourced activities.

(4) An insurance undertaking shall remain fully responsible for discharging all of its obligations even when it outsources an important part of its business as outsourced activities.

(5) Outsourcing an important part of an insurance undertaking's business must not:
1. impair the quality of the governance system of the insurance undertaking,
2. unduly increasing the operational risk,
3. impair the ability of the Insurance Supervision Agency to monitor the compliance of the insurance undertaking with its obligations,
4. undermine the consistency and adequacy of services to policyholders.

(6) Outsourced activities shall be subject to risk management and internal control.

(7) An insurance undertaking shall notify the Insurance Supervision Agency of an outsourced activity or its modifications six weeks prior to concluding an outsourcing agreement.

(8) The Insurance Supervision Agency shall prohibit the

o izločenem poslu ali njene spremembe, če bi bili glede na vrsto oziroma obseg izločenih poslov lahko ogroženi interesi zavarovalcev, zavarovancev ali drugih upravičencev ali če bi bilo zaradi izločenih poslov lahko onemogočeno oziroma bistveno oteženo opravljanje nadzora nad zavarovalnimi posli, ki jih opravlja zavarovalnica, oziroma bi bile kršene določbe četrtega ali petega odstavka tega člena.

conclusion of an outsourcing agreement or its modifications if, in terms of the type or scope of outsourced activities, this puts at risk the interests of policyholders, insured persons or other beneficiaries, or if due to outsourced activities the supervision of insurance business conducted by the insurance undertaking is or could be impaired or rendered impossible, or if the provisions of paragraphs four and five of this Article would be violated.

172. člen
(pogodba o izločenem poslu)

Pogodba o izločenem poslu je pisna pogodba, s katero zavarovalnica prenese na drugo osebo, ki je prevzemnik izločenega posla, funkcijo oziroma aktivnost zavarovalnice, ki v skladu s prejšnjim členom predstavlja izločeni posel. Prevzemnik izločenega posla se v pogodbi o izločenem poslu zaveže najmanj, da:

1. bo posloval v skladu z zakonodajo in sodeloval z Agencijo za zavarovalni nadzor,
2. bo imela zavarovalnica, njeni revizorji in Agencija za zavarovalni nadzor učinkovit dostop do podatkov, ki se nanašajo na izločeni posel, in
3. bo imela Agencija za zavarovalni nadzor dostop do njegovih poslovnih prostorov in možnost izvajanja nadzora.

Article 172
(Outsourcing agreement)

An outsourcing agreement is a written contract with which an insurance undertaking transfers to another person that is the service provider of the outsourced activity, a function or activity of the insurance undertaking which, pursuant to the preceding Article represents an outsourced activity. The service provider shall in the outsourcing agreement undertake at least:
1. to operate in compliance with legislation and to cooperate with the Insurance Supervision Agency,
2. to provide the insurance undertaking, its auditors and the Insurance Supervision Agency with effective access to all information relating to the outsourced activity, and
3. to ensure that the Insurance Supervision Agency shall have access to the business premises of the service provider and the possibility of exercising supervision.

173. člen
(prenos ključnih funkcij)

(1) Kadar zavarovalnica prenese na drugo osebo izvajanje ključne funkcije, mora prevzemnik izločenega posla izpolnjevati pogoje glede znanja in izkušenj ter druge morebitne pogoje, ki jih za opravljanje ključne funkcije, ki se prenaša, določa ta zakon ali na njegovi podlagi izdani podzakonski akti.

(2) Če zavarovalnica izloči izvajanje ključne funkcije znotraj skupine družb, katere del je zavarovalnica, prevzemnik izločenega posla dokumentira, katere funkcije se nanašajo na katero pravno osebo, in zagotovi, da takšna ureditev ne ovira izvajanja ključnih funkcij na ravni

Article 173
(Transfer of key functions)

(1) When an insurance undertaking outsources a key function to another person, the service provider shall fulfil the conditions regarding knowledge and experience, and other possible conditions provided by this Act or implementing regulations issued on its basis for the performance of the key function being transferred.

(2) If an insurance undertaking outsources the performance of a key function within a group of companies in which the insurance undertaking is included, the service provider shall document the functions that apply to which legal person, and ensure that such an arrangement

zavarovalnice.

4.7. *Vrednotenje sredstev in obveznosti zavarovalnice za namene izračuna kapitalskih zahtev*

174. člen
(vrednotenje sredstev in obveznosti)

(1) Sredstva in obveznosti zavarovalnice se za namen ugotavljanja izpolnjevanja obveznosti zavarovalnice glede obvladovanja tveganj vrednotijo na način, določen v:
- tem členu,
- aktu, ki ga izda Evropska komisija na podlagi drugega odstavka 75. člena in prvega odstavka 86. člena Direktive 2009/138/ES,
- regulativnih in izvedbenih tehničnih standardih, ki jih izda Evropska komisija na podlagi tretjega odstavka 75. člena ter drugega in tretjega odstavka 86. člena Direktive 2009/138/ES, in
- predpisih, ki jih izda Agencija za zavarovalni nadzor.

(2) Zavarovalnica vrednoti sredstva na znesek, po katerem bi se izmenjala med dobro obveščenima strankama s pravico razpolaganja v strogo poslovnem odnosu.

(3) Zavarovalnica vrednoti obveznosti na znesek, po katerem bi se lahko prenesle ali poravnale med dobro obveščenima strankama s pravico razpolaganja v strogo poslovnem odnosu. Vrednost obveznosti se ne prilagaja kreditni sposobnosti zavarovalnice.

175. člen
(ocenjevanje občutljivosti sredstev in obveznosti)

(1) V okviru upravljanja sredstev in obveznosti zavarovalnica redno ocenjuje občutljivost zavarovalno-tehničnih rezervacij in primernih lastnih virov sredstev na predpostavke, upoštevane pri ekstrapolaciji krivulje netvegane obrestne mere iz 181. člena tega zakona.

does not obstruct the performance of key functions at the level of the insurance undertaking.

4.7. *Valuation of assets and liabilities of an insurance undertaking for the purpose of calculating capital requirements*

Article 174
(Valuation of assets and liabilities)

(1) In order to determine if an insurance undertaking is fulfilling its obligations regarding risk management, the assets and liabilities of the insurance undertaking shall be valued in the manner as laid down in:
- this Article,
- the act issued by the European Commission pursuant to Articles 75(2) and 86(1) of Directive 2009/138/EC,
- the regulatory and implementing technical standards issued by the European Commission pursuant to Article 75(3) and Article 86(2) and (3) of Directive 2009/138/EC, and
- regulations issued by the Insurance Supervision Agency.

(2) An insurance undertaking shall value its assets at the amount for which they could be exchanged between knowledgeable parties with the right to dispose in a strictly business relationship.

(3) An insurance undertaking shall value its liabilities at the amount for which they could be transferred or settled between knowledgeable parties with the right to dispose in a strictly business relationship. The value of liabilities shall not be adjusted to the creditworthiness of the insurance undertaking.

Article 175
(Evaluation of the sensitivity of assets and liabilities)

(1) In the context of asset and liability management, an insurance undertaking shall regularly assess the sensitivity of technical provisions and eligible own funds according to the assumptions taken into account in the extrapolation of the risk-free interest rate term structure referred to in Article 181 of this Act.

(2) Kadar zavarovalnica uporablja uskladitveno prilagoditev krivulje netvegane obrestne mere iz 182. člena tega zakona, redno ocenjuje tudi:

a) občutljivost teh zavarovalno-tehničnih rezervacij in njihovih primernih lastnih virov sredstev na predpostavke, na katerih temelji izračun uskladitvenih prilagoditev, upoštevajoč izračun temeljnega razpona iz b) točke prvega odstavka 183. člena tega zakona, in možne učinke prisilne prodaje sredstev na njihove primerne lastne vire sredstev;

b) občutljivost teh zavarovalno-tehničnih rezervacij in njihovih primernih lastnih virov sredstev na spremembe v sestavi portfelja sredstev, ki pokrivajo obveznosti, za katere se uporablja ta prilagoditev;

c) učinek v primeru, da se zmanjša uskladitvena prilagoditev krivulje netvegane obrestne mere na nič.

(3) Kadar zavarovalnica uporablja prilagoditev za nestanovitost krivulje netvegane obrestne mere iz 184. člena tega zakona, redno ocenjuje tudi:

a) občutljivost teh zavarovalno-tehničnih rezervacij in njihovih primernih lastnih virov sredstev na predpostavke, na katerih temelji izračun prilagoditve za nestanovitnost iz 184. člena tega zakona, in možne učinke prisilne prodaje sredstev na njihove primerne lastne vire sredstev;

b) učinek v primeru, da se zmanjša prilagoditev za nestanovitost krivulje netvegane obrestne mere na nič.

(4) Kadar zmanjšanje uskladitvene prilagoditve krivulje netvegane obrestne mere iz 182. člena tega zakona ali prilagoditve za nestanovitost krivulje netvegane obrestne mere iz 184. člena tega zakona na nič povzroči, da zavarovalnica ne izpolnjuje kapitalskih zahtev iz 202. člena tega zakona, zavarovalnica izdela analizo možnih ukrepov za ponovno vzpostavitev ravni primarnih lastnih virov sredstev v višini najmanj zahtevanega solventnostnega kapitala oziroma za zmanjšanje profila tveganja, da bi bil ponovno skladen z zahtevanim solventnostnim kapitalom.

(5) Zavarovalnica Agenciji za zavarovalni nadzor v okviru lastne ocene tveganj in solventnosti poroča o ocenah iz prejšnjih odstavkov.

(2) Where an insurance undertaking applies the matching adjustment of the risk-free interest rate term structure referred to in Article 182 of this Act, it shall also regularly assess:

a) the sensitivity of technical provisions and their eligible own funds to the assumptions underlying the calculation of the matching adjustment, taking into account the calculation of the fundamental spread referred to in point b of paragraph one of Article 183 of this Act, and the possible effect of a forced sale of assets on their eligible own funds;

b) the sensitivity of technical provisions and their eligible own funds to changes in the composition of the portfolio of assets that cover liabilities to which this adjustment applies;

c) the impact of a reduction of the matching adjustment of the risk-free interest rate term structure to zero.

(3) Where an insurance undertaking applies the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act, it shall also regularly assess:

a) the sensitivity of technical provisions and their eligible own funds to the assumptions underlying the calculation of the volatility adjustment referred to in Article 184 of this Act and the possible effect of a forced sale of assets on their eligible own funds;

b) the impact of a reduction of the volatility adjustment of the risk-free interest rate term structure to zero.

(4) Where the reduction of the matching adjustment of the risk-free interest rate term structure referred to in Article 182 of this Act or the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act to zero results in non-compliance of an insurance undertaking with the capital requirements referred to in Article 202 of this Act, the insurance undertaking shall perform an analysis of potential measures to re-establish the levels of eligible own funds up to at least the amount of solvency capital requirement, or to reduce the risk profile to restore compliance with the solvency capital requirement.

(5) An insurance undertaking shall report to the Insurance Supervision Agency in the context of its own risk and solvency assessment about the assessments referred to in the preceding paragraphs.

176. člen
(uporaba zunanje bonitetne ocene)

Kadar zavarovalnice uporabljajo zunanje bonitetne ocene za izračun zavarovalno-tehničnih rezervacij oziroma zahtevanega solventnostnega kapitala, redno ocenjujejo primernost zunanjih bonitetnih ocen z uporabo dodatnih ocen, kadar je to praktično izvedljivo.

4.8. *Zavarovalno-tehnične rezervacije za namene izračuna kapitalskih zahtev*

177. člen
(splošne določbe)

(1) Zavarovalnica v zvezi z vsemi obveznostmi do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb oblikuje zavarovalno-tehnične rezervacije.

(2) Vrednost zavarovalno-tehničnih rezervacij je enaka znesku, ki ga zavarovalnica plača drugi zavarovalnici, če druga zavarovalnica nemudoma prevzame njene obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(3) Za izračun zavarovalno-tehničnih rezervacij se upoštevajo in uporabljajo informacije finančnih trgov in splošno dostopni podatki o zavarovalnih tveganjih.

(4) Izračun zavarovalno-tehničnih rezervacij se izvede na preudaren, zanesljiv in objektiven način, v skladu s:
- 4.8. oddelkom tega zakona,
- aktom, ki ga izda Evropska komisija na podlagi prvega odstavka 86. člena Direktive 2009/138/ES,
- regulativnimi in izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi 86. člena Direktive 2009/138/ES, in

Article 176
(Application of external credit rating assessment)

Where an insurance undertaking uses external credit rating assessment in the calculation of technical provisions or the solvency capital requirement, it shall assess regularly the appropriateness of those external credit assessments by using additional assessments wherever practicably possible.

4.8. *Technical provisions to calculate capital requirements*

Article 177
(General provisions)

(1) Insurance undertakings shall establish technical provisions with respect to all of their insurance obligations towards policyholders, insured persons and other beneficiaries under insurance contracts.

(2) The value of technical provisions shall be equal to the amount paid by an insurance undertaking to another insurance undertaking if the other insurance undertaking immediately assumes its obligations towards policyholders, insured persons and other beneficiaries under insurance contracts.

(3) The calculation of technical provisions shall make use of and be consistent with information provided by the financial markets and generally available data on underwriting risks.

(4) Technical provisions shall be calculated in a prudent, reliable and objective manner, according to:
- Section 4.8 of this Act,
- the act issued by the European Commission pursuant to Article 86(1) of Directive 2009/138/EC,
- the regulatory and implementing technical standards issued by the European Commission pursuant to Article 86 of Directive 2009/138/EC, and,

- predpisi, ki jih izda Agencija za zavarovalni nadzor.

(5) Zavarovalnica izračunava oziroma oblikuje zavarovalno-tehnične rezervacije za vsako četrtletje po stanju na dan 31. marec, 30. junij, 30. september in 31. december.

178. člen
(izračun zavarovalno-tehničnih rezervacij)

(1) Vrednost zavarovalno-tehničnih rezervacij je enaka vsoti najboljše ocene in dodatka za tveganje.

(2) Najboljša ocena in dodatek za tveganje se izračunata ločeno.

(3) Ko je možno prihodnje denarne tokove, ki izhajajo iz obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb zanesljivo in v celoti nadomestiti oziroma pokriti z uporabo finančnih instrumentov, katerih tržno vrednost je mogoče v vsakem trenutku zanesljivo določiti, se vrednost zavarovalno-tehničnih rezervacij za te obveznosti določi na podlagi tržne vrednosti teh finančnih instrumentov. V tem primeru ločen izračun najboljše ocene in dodatka za tveganje ni potreben.

179. člen
(najboljša ocena)

(1) Najboljša ocena ustreza z verjetnostjo uresničitve tehtanemu povprečju prihodnjih denarnih tokov, upoštevajoč časovno vrednost denarja (sedanja vrednost pričakovanih prihodnjih denarnih tokov). Za izračun sedanje vrednosti pričakovanih prihodnjih denarnih tokov se uporabi ustrezna krivulja netvegane obrestne mere.

(2) Projekcija denarnih tokov upošteva vse denarne prilive in odlive, ki so potrebni za poravnavo obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(3) Izračun najboljše ocene temelji na posodobljenih in

- regulations issued by the Insurance Supervision Agency.

(5) Insurance undertakings shall calculate or establish technical provisions on a quarterly basis according to the situation as at 31 March, 30 June, 30 September and 31 December.

Article 178
(Calculation of technical provisions)

(1) The value of technical provisions shall be equal to the sum of a best estimate and a risk margin.

(2) The best estimate and the risk margin shall be calculated separately.

(3) Where future cash-flows associated with insurance obligations to policyholders, insured persons and other beneficiaries under insurance contracts may be reliably and fully replaced using financial instruments for which a reliable market value is observable at any time, the value of technical provisions for those obligations shall be determined on the basis of the market value of those financial instruments. In this case, separate calculations of the best estimate and the risk margin shall not be required.

Article 179
(Best estimate)

(1) The best estimate shall correspond to the probability-weighted average of future cash-flows, taking account of the time value of money (present value of expected future cash-flows). A suitable risk-free interest term structure shall be used to calculate the present value of expected future cash-flows.

(2) The cash-flow projection shall take account of all the cash inflows and outflows required to settle the insurance obligations to policyholders, insured persons and other beneficiaries under insurance contracts.

(3) The calculation of the best estimate shall be based upon up-

verodostojnih podatkih ter realnih predpostavkah. Izvede se z uporabo ustreznih, uporabnih in primernih aktuarskih in statističnih metod.

(4) Najboljša ocena v projekciji denarnih tokov ne upošteva zneskov, izterljivih iz pozavarovalnih pogodb in namenskih družb. Ti zneski se izračunajo ločeno v skladu s 188. členom tega zakona.

180. člen
(dodatek za tveganje)

(1) Dodatek za tveganje je tolikšen, da skupaj z najboljšo oceno zagotavlja, da je vrednost zavarovalno-tehničnih rezervacij enakovredna znesku, ki bi ga za prevzem in izpolnitev obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb zahtevale druge zavarovalnice, ki bi prevzele te obveznosti.

(2) Dodatek za tveganje se izračuna z določitvijo stroškov zagotavljanja zneska primernih lastnih virov sredstev v višini zahtevanega solventnostnega kapitala, ki je potreben za podporo zavarovalnih obveznosti v času njihove veljavnosti oziroma do njihovega izteka.

(3) Mera, uporabljena pri določitvi stroškov zagotavljanja zneska primernih lastnih virov sredstev v višini zahtevanega solventnostnega kapitala iz prejšnjega odstavka (mera stroškov kapitala) je enaka za vse zavarovalnice. Mera stroškov kapitala je pribitek nad ustrezno netvegano obrestno mero, ki bi ga zavarovalnica upoštevala, da bi zagotovila primerne lastne vire sredstev, kot je določeno v drugem odstavku tega člena.

181. člen
(ekstraploacija – krivulja netvegane obrestne mere)

(1) Pri določanju krivulje netvegane obrestne mere iz prvega odstavka 179. člena tega zakona se uporabljajo informacije, ki izhajajo iz ustreznih finančnih instrumentov. Pri določanju krivulje netvegane obrestne mere se upoštevajo ustrezni finančni instrumenti tistih

to-date and credible information and realistic assumptions. It shall be performed using adequate, applicable and relevant actuarial and statistical methods.

(4) The best estimate in cash-flow projection shall not take into account amounts recoverable from reinsurance contracts and special purpose vehicles. Those amounts shall be calculated separately, in accordance with Article 188 of this Act.

Article 180
(Risk margin)

(1) The risk margin shall be such that, together with the best estimate, it ensures that the value of technical provisions is equivalent to the amount that other insurance undertakings would be expected to require in order to take over and meet the insurance obligations to policyholders, insured persons and other beneficiaries under insurance contracts.

(2) The risk margin shall be calculated by determining the costs of providing an amount of eligible own funds in the amount of the solvency capital requirement necessary to support the insurance obligations during their validity or until their expiry.

(3) The rate used in the determination of the costs of providing that amount of eligible own funds in the amount of the solvency capital requirement referred to in the preceding paragraph (cost-of-capital rate) shall be the same for all insurance undertakings. The cost-of-capital rate is an add-on above the relevant risk-free interest rate which an insurance undertaking would take into account in order to ensure eligible own funds, as laid down in paragraph two of this Article.

Article 181
(Extrapolation – risk-free interest rate term structure)

(1) The determination of the risk-free interest rate term structure referred to in paragraph one of Article 179 of this Act shall make use of information derived from relevant financial instruments. That determination of the risk-free interest rate term structure shall take into account relevant

zapadlosti, pri katerih so trgi za te finančne instrumente, vključno z obveznicami, globoki, likvidni in pregledni.

(2) Za zapadlosti, za katere trgi za ustrezne finančne instrumente, vključno z obveznicami, niso več globoki, likvidni in pregledni, se krivulja netvegane obrestne mere ekstrapolira.

(3) Ekstrapolirani del krivulje netvegane obrestne mere temelji na terminskih obrestnih merah, ki zvezno konvergirajo od ene ali več terminskih obrestnih mer za časovno najdaljšo časovno zapadlost tistih finančnih instrumentov, vključno z obveznicami, za katere obstaja globok, likviden in pregleden trg, h končni terminski obrestni meri.

182. člen
(uskladitvena prilagoditev krivulje netvegane obrestne mere)

(1) Zavarovalnice lahko uporabijo uskladitveno prilagoditev krivulje netvegane obrestne mere za izračun najboljše ocene portfelja obveznosti življenjskega zavarovanja, vključno z rentami, ki izhajajo iz premoženjskih zavarovalnih in pozavarovalnih pogodb, če za to pridobijo dovoljenje Agencije za zavarovalni nadzor.

(2) Agencija za zavarovalni nadzor dovoli uporabo uskladitvene prilagoditve krivulje netvegane obrestne mere, če so izpolnjeni naslednji pogoji:

a) zavarovalnica določi portfelj sredstev, sestavljen iz obveznic in drugih sredstev, ki imajo podobne značilnosti denarnih tokov, kot najboljša ocena portfelja obveznosti, ki jih bo kril ta portfelj sredstev, in to določitev ohranja v času trajanja obveznosti, razen za namene ohranjanja replikacije pričakovanih denarnih tokov med sredstvi in obveznostmi, kadar so se denarni tokovi bistveno spremenili;

b) zavarovalnica opredeli portfelj obveznosti, za katerega se uporabi uskladitvena prilagoditev, in določi portfelj sredstev, ki jih organizira in upravlja ločeno od drugih dejavnosti zavarovalnice;

c) zavarovalnica portfelja sredstev iz b) točke tega odstavka ne more uporabiti za kritje izgub iz drugih dejavnosti zavarovalnice;

financial instruments of those maturities where the markets for those financial instruments, including bonds, are deep, liquid and transparent.

(2) For maturities for which the markets for the relevant financial instruments, including bonds, are no longer deep, liquid and transparent, the relevant risk-free interest rate term structure shall be extrapolated.

(3) The extrapolated part of the relevant risk-free interest rate term structure shall be based on forward rates converging smoothly from one or several forward rates for the longest maturities of those financial instruments, including bonds for which a deep, liquid and transparent market exists, to an ultimate forward rate.

Article 182
(Matching adjustment to the relevant risk-free interest rate term structure)

(1) Insurance undertakings may apply a matching adjustment to the relevant risk-free interest rate term structure to calculate the best estimate of a portfolio of life insurance obligations, including annuities stemming from non-life insurance and reinsurance contracts, if they obtain an authorisation from the Insurance Supervision Agency.

(2) The Insurance Supervision Agency shall permit the application of the matching adjustment of the risk-free interest rate term structure if the following conditions are met:

a) the insurance undertaking determines a portfolio of assets consisting of bonds and other assets with similar cash-flow characteristics to the best estimate of a obligations portfolio that will be covered by this portfolio of assets, and maintains that assignment over the lifetime of the obligations, except for the purpose of maintaining the replication of expected cash-flows between assets and liabilities where the cash-flows have materially changed;
b) the insurance undertaking determines a obligations portfolio to which the matching adjustment is applied and determines a portfolio of assets that are organised and managed separately from other activities of the insurance undertaking;
c) the portfolio of assets referred to in point b) of this paragraph cannot be used to cover losses arising from other activities of the insurance undertakings;

d) pričakovani denarni tokovi portfelja sredstev iz a) točke tega odstavka replicirajo vse pričakovane denarne tokove portfelja obveznosti v isti valuti, morebitno neujemanje pa ne povzroči bistvenih tveganj glede na tveganja, ki so del posla, za katerega se uporabi uskladitvena prilagoditev;

e) pogodbe, ki so podlaga za portfelj obveznosti, nimajo prihodnjih plačil premije;
f) edina zavarovalna tveganja, povezana s portfeljem obveznosti, so tveganje dolgoživosti, tveganje stroškov, tveganje revizij in tveganje umrljivosti;
g) kadar zavarovano tveganje, povezano s portfeljem obveznosti, vključuje tveganje umrljivosti, najboljša ocena portfelja obveznosti ne naraste za več kot 5% ob upoštevanju tveganja umrljivosti, ki se izračuna v skladu s 4.10. oddelkom tega zakona;
h) pogodbe, ki so podlaga za portfelj obveznosti, ne vključujejo opcij za zavarovalca;
i) kadar zavarovano tveganje, povezano s portfeljem obveznosti, vključuje zgolj opcijo odkupa, odkupna vrednost ne presega vrednosti portfelja sredstev iz b) točke tega odstavka, vrednotenih v skladu s 4.7. oddelkom tega zakona v trenutku, ko se uveljavlja opcija odkupa;

j) denarni tokovi portfelja sredstev iz a) točke tega odstavka so fiksni in jih izdajatelji sredstev ali tretje osebe ne morejo spremeniti;

k) pri sestavljanju portfelja obveznosti za namene tega odstavka obveznosti zavarovalne ali pozavarovalne pogodbe niso razdeljene v različne dele.

(3) Ne glede na k) točko prejšnjega odstavka lahko zavarovalnice uporabijo sredstva, katerih denarni tokovi so z izjemo odvisnosti od inflacije fiksni, pod pogojem, da ta sredstva replicirajo denarne tokove portfelja zavarovalnih in pozavarovalnih obveznosti, ki so odvisni od inflacije.

(4) Kadar imajo izdajatelji ali tretje osebe pravico spremeniti denarne tokove posameznih sredstev z zagotovitvijo zadostnega plačila za vlagatelja, tako da omogočijo enake denarne tokove s ponovno naložbo v sredstva enake ali boljše kreditne kakovosti, pravica do spremembe denarnih tokov ne ukinja možnosti vključitve teh sredstev v portfelj iz a) točke drugega odstavka tega člena v skladu s k) točko

d) the expected cash-flows in the portfolio of assets referred to in point a) of this paragraph replicate all of the expected cash-flows in the obligations portfolio in the same currency, any possible mismatch does not give rise to significant risks which are material in relation to the risks inherent in the insurance business to which the matching adjustment is applied;
e) the contracts underlying the obligations portfolio do not give rise to future premium payments;
f) the only underwriting risks connected to the obligations portfolio are longevity risk, expense risk, revision risk and mortality risk;

g) where the underwriting risk connected to the obligations portfolio includes mortality risk, the best estimate of the obligations portfolio does not increase by more than 5% taking into account a mortality risk that is calculated in accordance with Section 4.10 of this Act;
h) the contracts underlying the obligations portfolio do not include options for policyholders;
i) where an insured risk related to the obligations portfolio includes only a surrender option, the surrender value does not exceed the value of the portfolio of assets referred to in point b) of this paragraph, valued in accordance with Section 4.7 of this Act, at the time the surrender option is exercised;
j) the cash-flows of the portfolio of assets referred to in point a) of this paragraph are fixed and cannot be changed by the issuers of the assets or any third parties;
k) the insurance or reinsurance obligations of an insurance or reinsurance contract are not split into different parts in composing the obligations portfolio for the purpose of this paragraph.

(3) Notwithstanding point k) of the preceding paragraph, insurance undertakings may use assets whose cash-flows are fixed except for a dependence on inflation, provided that those assets replicate the cash-flows of the portfolio of insurance and reinsurance obligations that depend on inflation.

(4) In the event that issuers or third parties have the right to change the cash-flows of particular assets in such a manner that the investor receives sufficient compensation to allow it to obtain the same cash-flows by re-investing in assets of an equivalent or better credit quality, the right to change the cash-flows shall not abolish the possibility to include those assets in the portfolio referred to in point a) of paragraph

drugega odstavka tega člena.

(5) Zavarovalnice, ki uporabljajo uskladitveno prilagoditev krivulje netvegane obrestne mere za portfelje obveznosti, ne smejo preiti na pristop, ki ne vključuje uskladitvene prilagoditve krivulje netvegane obrestne mere. Kadar zavarovalnica, ki uporablja uskladitveno prilagoditev krivulje netvegane obrestne mere, ne more več izpolnjevati pogojev iz drugega odstavka tega člena, o tem nemudoma obvesti Agencijo za zavarovalni nadzor in sprejme potrebne ukrepe za ponovno izpolnjevanje teh pogojev. Kadar zavarovalnica v roku dveh mesecev od datuma neizpolnjevanja ne more ponovno izpolnjevati teh pogojev, izgubi vsa dovoljenja za uporabo uskladitvene prilagoditve krivulje netvegane obrestne mere in ne more dobiti dovoljenja za uporabo prilagoditvene krivulje netvegane obrestne mere v obdobju naslednjih 24 mesecev.

(6) Uskladitvena prilagoditev se ne more uporabljati, če krivulja netvegane obrestne mere za izračun najboljše ocene portfelja obveznosti vključuje prilagoditev za nestanovitnost na podlagi 184. člena tega zakona ali prehodne ukrepe glede netveganih obrestnih mer iz 639. člena tega zakona.

183. člen
(izračun uskladitvene prilagoditve krivulje netvegane obrestne mere)

(1) Uskladitvena prilagoditev iz prejšnjega člena se za vsako valuto izračuna v skladu z naslednjimi načeli:

1. uskladitvena prilagoditev je enaka razliki med:

   a) letno efektivno obrestno mero, izračunano kot enotna diskontna stopnja, ki, kadar se uporabi za denarne tokove portfelja obveznosti, privede do vrednosti, ki je enaka vrednosti portfelja sredstev iz b) točke drugega odstavka prejšnjega člena, izračunane v skladu z določbami iz 4.7. oddelka tega zakona,

   b) letno efektivno obrestno mero, izračunano kot enotna diskontna

two of this Article pursuant to point k) of paragraph two of this Article.

(5) Insurance undertakings that apply the matching adjustment to the relevant risk-free interest rate term structure to an obligations portfolio shall not switch to an approach that does not include a matching adjustment to the relevant risk-free interest rate term structure. Where an insurance undertaking that applies the matching adjustment to the relevant risk-free interest rate term structure is no longer able to comply with the conditions referred to in paragraph two of this Article, it shall immediately inform the Insurance Supervision Agency thereof and take the necessary measures to restore compliance with those conditions. Where the insurance undertaking is not able to restore compliance with those conditions within two months of the date of non-compliance, it shall lose all authorisation to apply the matching adjustment of the risk-free interest rate term structure and may not obtain authorisation to apply the matching adjustment of the risk-free interest rate term structure for a period of a further 24 months.

(6) The matching adjustment shall not be applied if the relevant risk-free interest rate term structure to calculate the best estimate of a portfolio of obligations includes a volatility adjustment pursuant to Article 184 of this Act or the transitional measures on the risk-free interest rates referred to in Article 639 of this Act.

Article 183
(Calculation of matching adjustment of the relevant risk free interest rate term structure)

(1) For each currency the matching adjustment referred to in the preceding Article shall be calculated in accordance with the following principles:

1. the matching adjustment shall be equal to the difference of the following:
   a) the annual effective interest rate, calculated as the single discount rate that, where applied to the cash-flows of the obligations portfolio, results in a value that is equal to the value of the portfolio of assets referred to in point b) of paragraph two of the preceding Article calculated pursuant to the provisions of Section 4.7 of this Act,
   b) the annual effective interest rate, calculated as the single discount

stopnja, ki, kadar se uporabi za denarne tokove portfelja obveznosti, privede do vrednosti, ki je enaka vrednosti najboljše ocene portfelja obveznosti, kadar se upošteva časovna vrednost denarja ob uporabi krivulja netvegane obrestne mere iz 181. člena tega zakona;

2. uskladitvena prilagoditev ne sme vključevati temeljnega razpona, ki odraža tveganja, ki jih obdrži zavarovalnica;
3. ne glede na 1. točko tega odstavka se temeljni razpon poveča, kadar je to potrebno, da se zagotovi, da uskladitvena prilagoditev za sredstva, katerih kreditna kvaliteta je nižja od naložbenega razreda, ne presega uskladitvenih prilagoditev za sredstva s kreditno kvaliteto naložbenega razreda enake ročnosti in istega razreda sredstev;
4. uporaba zunanje kreditne ocene v izračunu uskladitvene prilagoditve je v skladu z aktom, ki ga bo sprejela Evropska komisija na podlagi n) točke prvega odstavka 111. člena Direktive 2009/138/ES.

(2) Za namene 2. točke iz prejšnjega odstavka je temeljni razpon:

1. enak vsoti naslednjega:
   a) kreditnega razpona, ki ustreza verjetnosti izgube oziroma neplačila sredstev,
   b) kreditnega razpona, ki ustreza pričakovani izgubi, ki je posledica znižanja bonitete sredstev;
2. pri izpostavljenosti do držav članic in centralnih bank držav članic ni nižji od 30% dolgoročnega povprečja razpona od netvegane obrestne mere sredstev z isto ročnostjo, kreditno kvaliteto in iz istega razreda sredstev, kot je mogoče ugotoviti na finančnih trgih;
3. pri sredstvih, ki niso izpostavljena do držav članic in centralnih bank držav članic, ni nižji od 35% dolgoročnega povprečja razpona od netvegane obrestne mere sredstev z isto ročnostjo, kreditno kvaliteto in iz istega razreda sredstev, kot je to mogoče ugotoviti na finančnih trgih.

(3) Verjetnost neplačila iz 1. točke prejšnjega odstavka temelji na dolgoročnih statistikah neplačil, ki so ustrezne za sredstva v zvezi z njihovo ročnostjo, kreditno kvaliteto in razredom. Kadar iz statistike neplačila ni mogoče izračunati verodostojnega kreditnega razpona, je temeljni razpon enak deležu dolgoročnega povprečja razpona od osnovne netvegane obrestne mere iz 2. in 3. točke prejšnjega odstavka.

rate that, where applied to the cash-flows of the obligations portfolio, results in a value that is equal to the value of the best estimate of the obligations portfolio where the time value of money is taken into account using the risk-free interest rate term structure referred to in Article 181 of this Act;

2. the matching adjustment must not include the fundamental spread reflecting the risks retained by the insurance undertaking;
3. notwithstanding point 1 of this paragraph, the fundamental spread is increased, where necessary, to ensure that the matching adjustment for assets whose credit quality is lower than the investment class, does not exceed the matching adjustments for assets with credit quality of the investment class of the same duration and asset class;
4. the use of external credit assessments in the calculation of the matching adjustment shall be in accordance with the act adopted by the European Commission pursuant to Article 111(1)(n) of Directive 2009/138/EC.

(2) For the purposes of point 2 of the preceding paragraph, the fundamental spread shall be:

1. equal to the sum of the following:
   a) the credit spread corresponding to the probability of loss or default of the assets,
   b) the credit spread corresponding to the expected loss resulting from downgrading of the assets;
2. for exposures to Member States and central banks of Member States, not lower than 30% of the long-term average of the spread over the risk-free interest rate of assets of the same duration, credit quality and asset class, as observed in financial markets;
3. for assets other than exposures to Member States and central banks of Member States and central banks, not lower than 35% of the long-term average of the spread over the risk-free interest rate of assets of the same duration, credit quality and asset class, as observed in financial markets.

(3) The probability of default referred to in point 1 of the preceding paragraph shall be based on long-term default statistics that are relevant for the assets in relation to their duration, credit quality and asset class. Where no reliable credit spread can be derived from the default statistics, the fundamental spread shall be equal to the portion of the long-term average of the spread over the basic risk-free interest rate referred to in points 2 and 3 of the preceding paragraph.

184. člen
(prilagoditev za nestanovitnost krivulje netvegane obrestne mere)

(1) Zavarovalnice pridobijo dovoljenje Agencije za zavarovalni nadzor za uporabo prilagoditve za nestanovitnost krivulje netvegane obrestne mere, ki se uporablja pri izračunu najboljše ocene iz 179. člena tega zakona.

(2) Prilagoditev za nestanovitnost krivulje netvegane obrestne mere za vsako valuto posebej temelji na razponu med obrestno mero, ki bi jo bilo mogoče dobiti iz sredstev, vključenih v referenčni portfelj sredstev zadevne valute, in vrednostmi iz krivulje netvegane obrestne mere za to valuto.

(3) Referenčni portfelj valute je reprezentativen za sredstva v tej valuti, v katera so zavarovalnice in pozavarovalnice vložile sredstva za kritje najboljše ocene obveznosti v tej valuti.

(4) Znesek prilagoditve za nestanovitnost krivulje netvegane obrestne mere ustreza 65% valutnega razpona, popravljenega za tveganje. Valutni razpon s popravkom za tveganje se izračuna kot razlika med razponom iz drugega odstavka tega člena in delom tega razpona, ki se lahko pripiše realistični oceni pričakovanih izgub ali nepričakovanega kreditnega tveganja ali drugega tveganja pri sredstvih. Prilagoditev za nestanovitnost se uporabi samo za tisti del krivulje netvegane obrestne mere, ki se ne izračuna z ekstrapolacijo v skladu s 181. členom tega zakona. Ekstrapolacija ekstrapoliranega dela krivulje temelji na uporabi obrestnih mer, ki upoštevajo prilagoditve za nestanovitnost.

(5) Za vsako zadevno državo se pred uporabo 65 % faktorja prilagodljivosti za nestanovitnost krivulje netvegane obrestne mere iz prejšnjega odstavka za valuto te države poveča za razliko med razponom države, popravljenim za tveganje, in dvakratnim valutnim razponom, popravljanim za tveganje, vedno kadar je ta razlika pozitivna in je razpon države, popravljen za tveganje, večji od 85 baznih točk. Povečana

Article 184
(Volatility adjustment to the relevant risk free interest rate term structure)

(1) Insurance undertakings shall obtain from the Insurance Supervision Agency authorisation to apply a volatility adjustment to the relevant risk-free interest rate term structure to calculate the best estimate referred to in Article 179 of this Act.

(2) For each relevant currency, the volatility adjustment to the relevant risk-free interest rate term structure shall be based on the spread between the interest rate that could be earned from assets included in a reference portfolio for that currency and the rates of the relevant risk-free interest rate term structure for that currency.

(3) The reference portfolio for a currency shall be representative for the assets which are denominated in that currency in which insurance and reinsurance undertakings are invested to cover the best estimate of liabilities denominated in that currency.

(4) The amount of the volatility adjustment to the relevant risk-free interest rate term structure shall correspond to 65% of the risk-corrected currency spread. The risk-corrected currency spread shall be calculated as the difference between the spread referred to in paragraph two of this Article and the portion of that spread that is attributable to a realistic assessment of expected losses or unexpected credit or other risk of the assets. The volatility adjustment shall apply only to the relevant risk-free interest rates of the term structure that are not derived by means of extrapolation in accordance with Article 181 of this Act. The extrapolation of the extrapolated part of the relevant risk-free interest rate term structure shall be based on the application of interest rates which take into account volatility adjustments.

(5) For each relevant country, the volatility adjustment to the risk-free interest rate curve referred to in the preceding paragraph for the currency of that country shall, before the application of the 65% factor, be increased by the difference between the risk-corrected country spread and twice the risk-corrected currency spread, whenever that difference is positive and the risk-corrected country spread is higher than 85 basis

prilagoditev za nestanovitnost se uporabi za izračun najboljše ocene za zavarovalne in pozavarovalne obveznosti produktov, ki so v prodaji na zavarovalniškem trgu te države. Razpon države, popravljen za tveganje, se izračuna enako kot valutni razpon, popravljen za tveganje, le da temelji na referenčnem portfelju, ki je reprezentativen za sredstva, v katera so zavarovalnice in pozavarovalnice vložile za kritje najboljše ocene za zavarovalne in pozavarovalne obveznosti produktov, ki so v prodaji na zavarovalniškem trgu te države in izraženi v njeni valuti.

(6) Prilagoditev za nestanovitnost se ne uporablja pri obveznostih, kadar krivulja netvegane obrestne mere za izračun najboljše ocene portfelja teh obveznosti vključuje uskladitveno prilagoditev krivulje netvegane obrestne mere iz 182. člena tega zakona.

(7) Ne glede na 202. člen tega zakona zahtevani solventnostni kapital ne krije tveganja izgube osnovnih lastnih sredstev, ki je posledica sprememb prilagoditve za nestanovitnost.

(8) Glede prilagoditve za nestanovitnost krivulje netvegane obrestne mere iz tega člena se prilagoditev za nestanovitnost ne uporablja pri obveznostih, kadar krivulja netvegane obrestne mere za izračun najboljše ocene portfelja teh obveznosti vključuje uskladitveno prilagoditev krivulje netvegane obrestne mere iz 182. člena tega zakona. Prilagoditev za nestanovitnost krivulje netvegane obrestne mere se ne uporablja za valute in nacionalne trge, za katere prilagoditev za nestanovitnost krivulje netvegane obrestne mere ni določena v izvedbenih tehničnih standardih Evropske komisije.

185. člen
(drugi elementi, ki se upoštevajo pri izračunu zavarovalno-tehničnih rezervacij)

Zavarovalnica pri izračunu zavarovalno-tehničnih rezervacij upošteva tudi:

1. vse stroške, ki bodo nastali pri izpolnjevanju oziroma servisiranju obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb,

points. The increased volatility adjustment shall be applied to the calculation of the best estimate for insurance and reinsurance obligations of products sold in the insurance market of that country. The risk-corrected country spread is calculated in the same way as the risk-corrected currency spread for the currency of that country, but based on a reference portfolio that is representative for the assets in which insurance and reinsurance undertakings are invested to cover the best estimate for insurance and reinsurance obligations of products sold in the insurance market of that country and denominated in the currency of that country.

(6) The volatility adjustment shall not be applied with respect to obligations where the relevant risk-free interest rate term structure to calculate the best estimate of a portfolio for those obligations includes a matching adjustment of the relevant risk-free interest rate term structure referred to in Article 182 of this Act.

(7) Notwithstanding Article 202 of this Act, the solvency capital requirement shall not cover the risk of loss of basic own funds resulting from changes to the volatility adjustment.

(8) With regard to volatility adjustment of the risk-free interest rate term structure referred to in this Article, the volatility adjustment shall not be applied with respect to obligations where the risk-free interest rate term structure to calculate the best estimate of a portfolio for those obligations includes a matching adjustment of the risk-free interest rate term structure referred to in Article 182 of this Act. Volatility adjustment of the risk-free interest rate term structure shall not apply to the currencies and national markets for which volatility adjustment of the risk-free interest rate term structure is not specified in the implementing technical standards of the European Commission.

Article 185
(Other elements to be taken into account in the calculation of technical provisions)

In calculating technical provisions, insurance undertakings shall take into account the following:

1. all costs that will be incurred in fulfilling or servicing obligations to policyholders, insured persons and other beneficiaries under insurance contracts,

2. inflacijo, vključno z inflacijo stroškov in odškodnin oziroma zavarovalnin,
3. vsa plačila zavarovalcem, zavarovancem in drugih upravičencem, vključno s prihodnjimi pripisi dobičkov, tudi če ta plačila niso pogodbeno zajamčena.

186. člen
(vrednotenje finančnih garancij in drugih upravičenj na podlagi zavarovalne pogodbe)

(1) Zavarovalnica pri izračunu zavarovalno-tehničnih rezervacij upošteva vrednost finančnih garancij in drugih upravičenj na podlagi zavarovalnih pogodb.

(2) Predpostavke glede verjetnosti uveljavljanja upravičenj iz zavarovalnih pogodb s strani zavarovalcev ali zavarovancev, vključno z odpovedmi in odkupi zavarovalnih pogodb, so realne in temeljijo na posodobljenih in verodostojnih podatkih. V predpostavkah zavarovalnica upošteva tudi vpliv, ki ga bodo imeli spremenjeni bodoči finančni in nefinančni pogoji na uveljavljanje upravičenj iz zavarovalnih pogodb.

187. člen
(segmentacija)

Pri izračunu zavarovalno-tehničnih rezervacij zavarovalnice segmentirajo obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb v homogene skupine tveganj najmanj pa po vrstah poslovanja.

188. člen
(izterljivi zneski iz pozavarovalnih pogodb in od namenskih družb)

(1) Izterljivi zneski iz pozavarovalnih pogodb in od namenskih družb se pri izračunu zavarovalno-tehničnih rezervacij ne upoštevajo.

2. inflation, including inflation of costs and indemnities or benefits,

3. all payments to policyholders, insured persons and beneficiaries, including future attributed profits, whether or not those payments are contractually guaranteed.

Article 186
(Valuation of financial guarantees and contractual options included in an insurance contract)

(1) In calculating technical provisions, insurance undertakings shall take account of the value of financial guarantees and any contractual options included in insurance contracts.

(2) Assumptions reflecting the probability that policyholders or insured persons will exercise the rights under insurance contracts, including lapses and surrenders, shall be realistic and based on current and credible information. In making these assumptions insurance undertakings shall take into account the impact that changed future financial and non-financial conditions may have on the exercise of those rights.

Article 187
(Segmentation)

When calculating technical provisions insurance undertakings shall segment their insurance obligations to policyholders, insured persons and other beneficiaries under insurance contracts into homogeneous risk groups, and as a minimum by lines of business.

Article 188
(Recoverables from reinsurance contracts and special purpose vehicles)

(1) Recoverables from reinsurance contracts and special purpose vehicles shall not be taken into account in calculating technical provisions.

(2) Zavarovalnice izračunajo izterljive zneske iz pozavarovalnih pogodb in od namenskih družb v skladu s 177. do 187. členom tega zakona.

(3) Pri izračunu izterljivih zneskov iz pozavarovalnih pogodb in od namenskih družb zavarovalnice upoštevajo časovno razliko med izterljivimi in neposrednimi plačili.

(4) Vrednost izračunanih izterljivih zneskov upošteva pričakovane izgube zaradi neplačila nasprotne stranke. Upoštevanje pričakovanih izgub zaradi neplačila nasprotne stranke temelji na oceni verjetnosti neplačila nasprotne stranke in povprečne izgube zaradi neplačila.

189. člen
(kakovost podatkov in uporaba približkov)

(1) Zavarovalnica vzpostavi notranje procese in postopke, ki bodo zagotavljali ustreznost, popolnost in natančnost podatkov, potrebnih za izračun zavarovalno-tehničnih rezervacij.

(2) Če v posebnih okoliščinah zavarovalnica nima dovolj ustreznih podatkov za uporabo zanesljive aktuarske metode za izračun obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb ali izterljivih zneskov iz pozavarovalnih pogodb in od namenskih družb, lahko za izračun najboljše ocene uporabi ustrezne približke, vključno z metodo posamičnega izračuna.

190. člen
(primerjava z izkustvi)

(1) Zavarovalnica vzpostavi notranje procese in postopke, ki bodo zagotavljali redno primerjanje najboljše ocene in predpostavk, uporabljenih v tem izračunu, z dejanskimi izkustvi.

(2) Če vrednosti zavarovalno-tehničnih rezervacij, izračunanih po metodi najboljše ocene in predpostavke, uporabljene pri tem izračunu,

(2) The calculation by insurance undertakings of amounts recoverable from reinsurance contracts and special purpose vehicles shall be performed pursuant to Articles 177 to 187 of this Act.

(3) In calculating amounts recoverable from reinsurance contracts and special purpose vehicles, insurance undertakings shall take account of the time difference between recoveries and direct payments.

(4) The value of calculated recoverables shall take account of expected losses due to default of the counterparty. Expected losses due to default of the counterparty shall be based on an assessment of the probability of default of the counterparty and the average loss resulting therefrom.

Article 189
(Data quality and application of approximations)

(1) Insurance undertakings shall establish internal processes and procedures to ensure the appropriateness, completeness and accuracy of the data used to calculate their technical provisions.

(2) Where, in specific circumstances, an insurance undertaking has insufficient data to apply a reliable actuarial method to calculate obligations to policyholders, insured persons and other beneficiaries under insurance contracts, or recoverables from reinsurance contracts and special purpose vehicles, appropriate approximations, including case-by-case approaches, may be used in the calculation of the best estimate.

Article 190
(Comparison against experience)

(1) Insurance undertakings shall establish processes and procedures to ensure that best estimates, and the assumptions underlying the calculation of the best estimates, are regularly compared against actual experience.

(2) Where the values of technical provisions calculated with the best estimate method and assumptions used in this calculation

sistematično odstopajo od dejanskih izkustev, zavarovalnica prilagodi aktuarsko metodo oziroma predpostavke, uporabljene v izračunu.

4.9. *Lastni viri sredstev zavarovalnice*

4.9.1. Določitev lastnih virov sredstev

191. člen
(lastni viri sredstev)

(1) Lastni viri sredstev zavarovalnice se za namen ugotavljanja izpolnjevanja obveznosti zavarovalnice glede obvladovanja tveganj (v nadaljnjem besedilu: lastni viri sredstev) določijo, razvrstijo in uporabljajo na način, določen v:
- 4.9. oddelku tega zakona,
- aktu, ki ga izda Evropska komisija na podlagi prvega odstavka 92. člena, prvega odstavka 97. člena ter 99. člena Direktive 2009/138/ES,
- izvedbenih tehničnih standardih, ki jih izda Evropska komisija na podlagi prvega in tretjega odstavka 92. člena in prvega ter drugega odstavka 97. člena 2009/138/ES, in
- predpisih, ki jih izda Agencija za zavarovalni nadzor.

(2) Lastni viri sredstev so vsota osnovnih lastnih virov sredstev in pomožnih lastnih virov sredstev.

(3) Agencija za zavarovalni nadzor predpiše obseg, način in roke poročanja o lastnih virih sredstev.

192. člen
(osnovni lastni viri sredstev)

(1) Osnovni lastni viri sredstev zajemajo:
1. presežek sredstev zavarovalnice nad obveznostmi zavarovalnice, vrednoten v skladu s 174. členom in 177. do 190. členom tega zakona, in

systematically deviate from actual experience, the insurance undertaking shall make appropriate adjustments to the actuarial method or the assumptions being used in the calculation.

4.9. *Own funds of an insurance undertaking*

4.9.1. Determination of own funds

Article 191
(Own funds)

(1) Own funds of an insurance undertaking shall be determined, classified and used, for the purpose of establishing the fulfilment of obligations of an insurance undertaking regarding risk management (hereinafter: own funds), in the manner as laid down in:
- Section 4.9 of this Act,
- the act issued by the European Commission pursuant to Article 92(1), Article 97(1) and Article 99 of Directive 2009/138/EC,
- implementing technical standards issued by the European Commission pursuant to Article 92(1) and (3), and Article 97(1) and (2) of Directive 2009/138/EC, and
- regulations issued by the Insurance Supervision Agency.

(2) Own funds shall comprise the sum of basic own funds and ancillary own funds.

(3) The Insurance Supervision Agency shall prescribe the scope, manner and deadlines for reporting on own funds.

Article 192
(Basic own funds)

(1) Basic own funds shall consist of the following:
1. the excess of assets of an insurance undertaking over its liabilities, valued in accordance with Articles 174, and 177 to 190 of this Act, and

2. podrejene obveznosti zavarovalnice.

(2) Presežek sredstev zavarovalnice nad njenimi obveznostmi iz 1. točke prejšnjega odstavka se zmanjša za znesek lastnih delnic.

193. člen
(pomožni lastni viri sredstev)

(1) Pomožni lastni viri sredstev zajemajo postavke, ki ne sodijo med osnovne lastne vire sredstev in jih zavarovalnica lahko vpokliče za pokritje svojih izgub.

(2) Pomožni lastni viri sredstev lahko zajemajo naslednje postavke, če te niso postavke osnovnih lastnih virov sredstev:
1. nevplačani osnovni kapital ali ustanovni kapital, ki ni bil vpoklican,
2. akreditive in jamstva,
3. katerekoli druge pravne zaveze, ki jih je zavarovalnica prejela.

(3) Pri družbi za vzajemno zavarovanje lahko pomožni lastni viri sredstev zajemajo tudi prihodnje terjatve, ki jih lahko ta družba ima do svojih članov, na podlagi poziva za naknadno vplačilo v naslednjih 12 mesecih.

(4) Če je bila postavka pomožnih lastnih virov sredstev vplačana ali vpoklicana, jo zavarovalnica obravnava kot sredstvo in je ne uvršča več med postavke pomožnih lastnih virov sredstev.

194. člen
(nadzorna odobritev pomožnih lastnih virov sredstev)

(1) Zneske postavk pomožnih lastnih virov sredstev zavarovalnica lahko upošteva pri določitvi lastnih virov sredstev samo na podlagi predhodne odobritve Agencije za zavarovalni nadzor.

(2) Znesek, pripisan posamezni postavki pomožnih lastnih virov sredstev, odraža zmožnost pokrivanja izgub te postavke in temelji na realnih in preudarnih predpostavkah. Če ima postavka pomožnih lastnih

2. the insurance undertaking's subordinated liabilities.

(2) The excess of insurance undertaking's assets over its liabilities referred to in point 1 of the preceding paragraph shall be reduced by the amount of own shares.

Article 193
(Ancillary own funds)

(1) Ancillary own funds shall consist of items other than basic own funds and which an insurance undertaking can call up to absorb its losses.

(2) Ancillary own funds may comprise the following items to the extent that they are not basic own fund items:
1. unpaid share capital or initial capital that has not been called up,
2. letters of credit and guarantees,
3. any other legally binding commitments received by the insurance undertaking.

(3) In the case of a mutual insurance company, ancillary own funds may also comprise any future claims which that company may have against its members by way of a call for subsequent payment, within the next 12 months.

(4) Where an ancillary own fund item has been paid in or called up, the insurance undertaking shall treat it as an asset and it shall not rate it among ancillary own fund items.

Article 194
(Supervisory approval of ancillary own funds)

(1) The amounts of ancillary own fund items may only be taken into account by the insurance undertaking in determining own funds subject to prior authorisation from the Insurance Supervision Agency.

(2) The amount ascribed to each ancillary own fund item shall reflect the loss-absorbency of the item and shall be based upon prudent and realistic assumptions. Where an ancillary own fund item has a fixed

virov sredstev nespremenljivo nominalno vrednost, je znesek, pripisan tej postavki, enak njeni nominalni vrednosti, kadar ta primerno odraža zmožnost pokrivanja izgube.

(3) Agencija za zavarovalni nadzor z odločbo odobri:

1. znesek za vsako posamično postavko pomožnih lastnih virov sredstev ali
2. metodo za določitev zneska vsake posamične postavke pomožnih lastnih virov sredstev, pri čemer se odobritev zneska, določenega s to metodo, prizna za določeno časovno obdobje.

(4) Pri izdaji dovoljenja za vsako posamično postavko pomožnih lastnih virov sredstev ima Agencija za zavarovalni nadzor za osnovo:
1. oceno položaja nasprotne stranke glede na njeno sposobnost in pripravljenost za plačilo;
2. oceno izterljivosti sredstev, ob upoštevanju pravne oblike postavke kot tudi drugih pogojev, ki bi lahko preprečili plačilo ali vpoklic postavke;
3. informacije o izidu preteklih pozivov, ki so jih zavarovalnice opravile za takšne pomožne lastne vire sredstev, v obsegu, v katerem se te informacije lahko zanesljivo uporabijo za oceno pričakovanih izidov prihodnjih pozivov.

4.9.2. Razvrstitev lastnih virov sredstev

195. člen
(razvrstitev lastnih virov sredstev v razrede)

(1) Postavke lastnih virov sredstev se razvrstijo v tri razrede.

(2) Zavarovalnice razvrstijo postavke lastnih virov sredstev na podlagi meril, določenih v 197. členu tega zakona, ter v skladu s seznamom lastnih virov sredstev iz akta, ki ga izda Evropska komisija na podlagi prvega odstavka 97. člena Direktive 2009/138/ES, in predpisi o lastnih virih sredstev, ki jih izda Agencija za zavarovalni nadzor.

nominal value, the amount ascribed to that item shall be equal to its nominal value, where it appropriately reflects its loss-absorbency.

(3) By a decision, the Insurance Supervision Agency shall approve:
1. an amount for each separate item of ancillary own funds or
2. a method for determining the amount of each separate item of ancillary own funds, whereby approval of the amount determined by this method shall be granted for a finite period.

(4) The granting of authorisation by the Insurance Supervision Agency for each separate item of ancillary own funds shall be made on the grounds of:
1. an assessment of the status of the counterparty considering its ability and readiness for payments;
2. an assessment of the recoverability of funds considering the legal form of an item as well as any other conditions which could prevent the payment or calling up of an item;
3. information on the outcome of previous calls which insurance undertakings have conducted for such ancillary own funds, to the extent that allows for reliable use of information for an assessment of the expected outcomes of future calls.

4.9.2. Classification of own funds

Article 195
(Classification of own funds into tiers)

(1) Own fund items shall be classified into three tiers.

(2) Insurance undertakings shall classify own fund items on the basis of the criteria provided in Article 197 of this Act and pursuant to the list of own funds referred to in the act issued by the European Commission pursuant Article 97(1) of Directive 2009/138/EC, and regulations regarding own funds issued by the Insurance Supervision Agency.

(3) Če postavka lastnih virov sredstev ni zajeta v seznamu lastnih virov sredstev iz prejšnjega odstavka, jo zavarovalnica oceni v skladu z merili za razvrstitev v razrede iz 197. člena tega zakona in merili oziroma pravili iz akta, ki ga izda Evropska komisija na podlagi prvega odstavka 97. člena Direktive 2009/138/ES, ter predpisi, ki jih izda Agencija za zavarovalni nadzor, in jo razvrsti v ustrezen razred na podlagi predhodne odobritve Agencije za zavarovalni nadzor.

196. člen
(značilnosti in lastnosti, uporabljene za razvrstitev lastnih virov sredstev)

(1) Postavke lastnih virov sredstev se razvrstijo v posamezen razred glede na to, ali so postavke osnovnih lastnih virov sredstev ali pomožnih lastnih virov sredstev, in glede na to, v kolikšni meri vsebujejo naslednje značilnosti:

1. postavka je stalno na voljo oziroma je lahko v vsakem trenutku brez predhodnega opozorila vpoklicana za pokritje izgub tako v primeru delujoče zavarovalnice kot tudi v primeru prenehanja poslovanja zavarovalnice;
2. v primeru prenehanja poslovanja zavarovalnice je celoten znesek postavke na voljo za pokritje izgub in se poplačilo postavke imetniku oziroma imetnici zavrne, dokler niso izpolnjene vse druge obveznosti zavarovalnice, vključno z zavarovalnimi obveznostmi do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(2) Pri ocenjevanju obsega, do katerega postavke lastnih virov sredstev vsebujejo in naj bi tudi v prihodnosti vsebovale značilnosti iz prejšnjega odstavka, je treba upoštevati:

1. trajanje postavke, zlasti ali ima postavka določen rok zapadlosti ali ne, kjer ima postavka lastnih virov sredstev določen rok zapadlosti, se upošteva relativno trajanje postavke lastnih virov sredstev na način, da se trajanje te postavke primerja s trajanjem zavarovalnih in pozavarovalnih obveznosti zavarovalnice;
2. ali je postavka prosta zahtev ali spodbud za poplačilo nominalnega zneska;
3. ali je postavka prosta obveznih fiksnih stroškov;

(3) If an own fund item is not included in the list of own funds referred to in the preceding paragraph, an insurance undertaking shall evaluate it pursuant to the criteria for classification into tiers referred to in Article 197 of this Act and criteria or rules referred to in the act issued by the European Commission pursuant to Article 97(1) of Directive 2009/138/EC, and regulations issued by the Insurance Supervision Agency, and shall classify it into a relevant tier on the basis of prior approval by the Insurance Supervision Agency.

Article 196
(Characteristics and features applied for classification of own funds)

(1) Items of own funds shall be classified into individual tiers depending on whether they are items of basic own funds or ancillary own funds, and depending on the extent to which they have the following characteristics:

1. an item is permanently available or may at any time be called up without prior warning to fully cover losses of a going-concern insurance undertaking, as well as in the case of a winding up of an insurance undertaking;
2. in the case of winding up of an insurance undertaking the total amount of the item is available to cover losses, and the repayment of the item to its holder is denied until all other obligations, including insurance obligations to policyholders, insured persons and beneficiaries under insurance contracts, have been met.

(2) In assessing the extent to which items of own funds have and will continue to have the characteristics referred to in the preceding paragraph, the following shall be taken into account:

1. duration of an item, in particular if the item has a maturity date or not; where an item of own funds has a maturity date, the relative duration of the item is taken into account in a manner that compares the duration of this item with the duration of insurance and reinsurance obligations of the insurance undertaking;
2. whether the item is free from requirements or incentives to redeem the nominal amount;
3. whether the item is free of mandatory fixed charges;

4. ali je postavka prosta obremenitev.

197. člen
(glavna merila za razvrstitev v razrede)

(1) V prvi razred se razvrstijo postavke osnovnih lastnih virov sredstev, ki v veliki meri vsebujejo značilnosti iz 1. in 2. točke prvega odstavka prejšnjega člena ob upoštevanju značilnosti iz drugega odstavka prejšnjega člena.

(2) V drugi razred se razvrstijo:
1. postavke osnovnih lastnih virov sredstev, ki v veliki meri vsebujejo značilnosti iz 2. točke prvega odstavka prejšnjega člena ob upoštevanju značilnosti iz drugega odstavka prejšnjega člena;

2. postavke pomožnih lastnih virov sredstev, ki v veliki meri vsebujejo značilnosti iz 1. in 2. točke prvega odstavka prejšnjega člena ob upoštevanju značilnosti iz drugega odstavka prejšnjega člena.

(3) V tretji razred se razvrstijo postavke osnovnih in pomožnih lastnih virov sredstev, ki se ne razvrstijo v prvi in drugi razred.

198. člen
(razvrstitev posebnih postavk lastnih virov sredstev)

(1) Akreditivi in jamstva, ki jih ima neodvisni skrbnik v skrbništvu za zavarovalne upnike in ki jih zavarovalnici zagotovijo kreditne institucije, za to pooblaščene v skladu z Direktivo 2013/36/EU, se razvrstijo v drugi razred.

(2) Prihodnje terjatve, ki jih imajo lahko družbe za vzajemno zavarovanje do svojih članov na podlagi poziva za naknadno vplačilo v naslednjih 12 mesecih, se razvrstijo v drugi razred, če v veliki meri vsebujejo značilnosti iz 1. in 2. točke prvega odstavka 196. člena tega zakona ob upoštevanju značilnosti iz drugega odstavka 196. člena tega zakona.

4. whether the item is clear of encumbrances.

Article 197
(Main criteria for classification into tiers)

(1) Basic own fund items shall be classified into Tier 1 where they substantially possess the characteristics referred to in points 1 and 2 of paragraph one of the preceding Article, taking into account the characteristics referred to in paragraph two of the preceding Article.

(2) Tier 2 shall include:
1. basic own fund items where they substantially have the characteristics referred to in point 2 of paragraph one of the preceding Article, taking into account the characteristics referred to in paragraph two of the preceding Article;
2. basic own fund items where they substantially have the characteristics referred to in points 1 and 2 of paragraph one of the preceding Article, taking into account the characteristics referred to in paragraph two of the preceding Article.

(3) Any basic and ancillary own fund items which do not fall into Tier 1 and 2 shall be classified into Tier 3.

Article 198
(Classification of specific own fund items)

(1) Letters of credit and guarantees which are held in trust for the benefit of insurance creditors by an independent trustee and provided by credit institutions authorised in accordance with Directive 2013/36/EU shall be classified into Tier 2.

(2) Future claims which mutual insurance companies may have against their members by way of a call for subsequent payment within the next 12 months shall be classified into Tier 2 if they substantially have the characteristics referred to in points 1 and 2 of paragraph one of Article 196 of this Act, taking into account the characteristics referred to in paragraph two of Article 196 of this Act.

4.9.3. Primernost lastnih virov sredstev

199. člen
(primerni lastni viri sredstev za kritje zahtevanega solventnostnega kapitala)

(1) Lastni viri sredstev, ki so primerni za kritje zahtevanega solventnostnega kapitala, so brez omejitev postavke lastnih virov sredstev prvega razreda in postavke lastnih virov sredstev drugega in tretjega razreda do višine meja, določenih v tretjem odstavku tega člena.

(2) Vrednost lastnih virov sredstev, ki so primerni za kritje zahtevanega solventnostnega kapitala iz 202. člena tega zakona, je vsota vrednosti postavk lastnih virov sredstev iz prvega razreda in vrednosti postavk primernih lastnih virov sredstev iz drugega in tretjega razreda.

(3) Meje primernih lastnih virov sredstev zagotavljajo, da:
1. delež vrednosti postavk lastnih virov sredstev, razvrščenih v prvi razred, presega eno tretjino celotne vrednosti primernih lastnih virov sredstev,
2. je delež vrednosti postavk lastnih virov sredstev, razvrščenih v tretji razred, manjši od ene tretjine celotne vrednosti primernih lastnih virov sredstev.

200. člen
(primerni osnovni lastni viri sredstev za kritje zahtevanega minimalnega kapitala)

(1) Osnovni lastni viri sredstev, ki so primerni za kritje zahtevanega minimalnega kapitala, so brez omejitev postavke lastnih virov sredstev prvega razreda in postavke osnovnih lastnih virov sredstev drugega razreda znotraj meja, določenih v tretjem odstavku tega člena.

(2) Vrednost osnovnih lastnih virov sredstev, ki so primerni za kritje zahtevanega minimalnega kapitala, je vsota vrednosti postavk lastnih virov sredstev prvega razreda in vrednosti postavk primernih osnovnih lastnih virov sredstev drugega razreda.

4.9.3. Eligibility of own funds

Article 199
(Eligible own funds to cover solvency capital requirement)

(1) No limits shall apply to own fund items included in Tier 1, and own fund items included in Tier 2 and 3 to the extent laid down in paragraph three of this Article, of own funds eligible to cover the solvency capital requirement.

(2) The value of own funds eligible to cover the solvency capital requirement referred to in Article 202 of this Act shall be the sum of values of own fund items included in Tier 1, and values of eligible own fund items included in Tiers 2 and 3.

(3) Limitations on eligible own funds shall ensure that:
1. the proportion of value of own fund items classified into Tier 1 exceeds one third of the total amount of eligible own funds,

2. the proportion of value of own fund items classified into Tier 3 is less than one third of the total amount of eligible own funds.

Article 200
(Eligible basic own funds to cover the minimum capital requirement)

(1) No limits shall apply to basic own fund items included in Tier 1, and basic own fund items included in Tier 2 to the extent laid down in paragraph three of this Article, of basic own funds eligible to cover the minimum capital requirement.

(2) The value of basic own funds eligible to cover the minimum capital requirement shall be the sum of values of own fund items included in Tier 1 and values of eligible basic own funds included in Tier 2.

(3) Meje primernih lastnih virov sredstev zagotavljajo, da delež vrednosti postavk lastnih virov sredstev prvega razreda presega eno polovico celotne vrednosti primernih osnovnih lastnih virov sredstev.

4.9.4. Prilagoditev lastnih virov sredstev

201. člen
(prilagoditev v primeru omejenega sklada)

Znesek lastnih virov sredstev vsakega omejenega sklada iz 241. člena tega zakona je v višini, ki presega zahtevani teoretični solventnostni kapital tega omejenega sklada, odbitna postavka od zneska primernih lastnih virov sredstev zavarovalnice za kritje zahtevanega solventnostnega kapitala zavarovalnice in zneska primernih osnovnih lastnih virov sredstev za kritje zahtevanega minimalnega kapitala zavarovalnice, kot je to določeno z aktom, ki ga izda Evropska komisija na podlagi 99. člena Direktive 2009/138/ES, in podzakonskim predpisom iz 6. točke prvega odstavka 157. člena tega zakona.

4.10. *Zahtevani solventnostni kapital*

4.10.1. Splošne določbe

202. člen
(splošna določba)

(1) Vrednost primernih lastnih virov sredstev zavarovalnice iz drugega odstavka 199. člena tega zakona je najmanj enaka zahtevanemu solventnostnemu kapitalu.

(2) Zavarovalnice redno spremljajo vrednost primernih lastnih virov sredstev in višino zahtevanega solventnostnega kapitala.

203. člen

(3) Limitations on eligible own funds shall ensure that the proportion of value of own fund items included in Tier 1 exceeds half of the full value of eligible basic own funds.

4.9.4. Adjustment of own funds

Article 201
(Adjustment in the case of a ring-fenced fund)

The amount of own funds of each ring-fenced fund referred to in Article 241 of this Act shall be, in an amount that exceeds the theoretical solvency capital requirement of such fund, a deductible item from the amount of eligible own funds of an insurance undertaking to cover the solvency capital requirement of the insurance undertaking and from the amount of eligible basic own funds to cover the minimum capital requirement of the insurance undertaking, as provided by an act issued by the European Commission pursuant to Article 99 of Directive 2009/138/EC, and the implementing regulation referred to in point 6 of paragraph one of Article 157 of this Act.

4.10. *Solvency capital requirement*

4.10.1. General Provisions

Article 202
(General provision)

(1) The value of eligible own funds of an insurance undertaking referred to in paragraph two of Article 199 of this Act shall be at least equal to the solvency capital requirement.

(2) Insurance undertakings shall continuously monitor the value of eligible own funds and the amount of the solvency capital requirement.

Article 203

(izračun zahtevanega solventnostnega kapitala)

(1) Zahtevani solventnostni kapital zavarovalnica izračuna po standardni formuli ali z uporabo notranjega modela, v skladu z:

- 4.10. oddelkom tega zakona,
- aktom, ki ga izda Evropska komisija na podlagi prvega in drugega odstavka 111. člena, 114. člena in 127. člena Direktive 2009/138/ES,
- izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi 109.a člena, drugega odstavka 111. člena in drugega odstavka 114. člena Direktive 2009/138/ES,
- regulativnimi tehničnimi standardi iz četrtega odstavka 111. člena Direktive 2009/138/ES in
- informacijami, ki jih objavi EIOPA v skladu s tretjim odstavkom 109.a člena Direktive 2009/138/ES.

(2) Zavarovalnica, ki ima omejeni sklad iz 241. člena tega zakona, za vsak omejeni sklad izračuna teoretični zahtevani solventnostni kapital omejenega sklada v skladu z aktom iz prejšnjega odstavka in podzakonskim predpisom iz 6. točke prvega odstavka 157. člena tega zakona.

(3) Zahtevani solventnostni kapital se izračuna ob predpostavki, da bo zavarovalnica poslovala tudi v prihodnje (delujoče podjetje).

(4) Izračun zahtevanega solventnostnega kapitala zavarovalnica umeri tako, da:

1. upošteva vsa merljiva tveganja, ki jim je zavarovalnica izpostavljena,
2. bo kril obstoječe poslovanje in novo poslovanje, ki naj bi bilo vzpostavljeno v naslednjih 12 mesecih,
3. v zvezi z obstoječim poslovanjem upošteva le nepričakovane izgube.

(5) Višina zahtevanega solventnostnega kapitala ustreza tvegani vrednosti osnovnih lastnih virov sredstev zavarovalnice s stopnjo zaupanja 99,5% za obdobje enega leta (mera tveganja).

(6) Zahtevani solventnostni kapital krije najmanj:

(Calculation of the solvency capital requirement)

(1) Insurance undertakings shall calculate the solvency capital requirement on the basis of the standard formula or use an internal model in accordance with:

- Section 4.10 of this Act,
- the act issued by the European Commission pursuant to Article 111(1) and (2), Articles 114 and 127 of Directive 2009/138/EC,
- implementing technical standards issued by the European Commission pursuant to Article 109.a, Article 111(2) and Article 114(2) of Directive 2009/138/EC,
- regulatory technical standards referred to in Article 111(4) of Directive 2009/138/EC,
- the information published by EIOPA pursuant to Article 109.a(3) of Directive 2009/138/EC.

(2) An insurance undertaking with a ring-fenced fund referred to in Article 241 of this Act, shall calculate a notional solvency capital requirement for each ring-fenced fund in accordance with the act referred to in the preceding paragraph and the implementing regulation referred to in point 6 of paragraph one of Article 157 of this Act.

(3) The solvency capital requirement shall be calculated on the presumption that the insurance undertaking will pursue its business as a going concern.

(4) The solvency capital requirement shall be calibrated so as to:

1. ensure that all quantifiable risks to which an insurance undertaking is exposed are taken into account,
2. cover existing business, as well as the new business expected to be written over the following 12 months,
3. with respect to existing business, it shall cover only unexpected losses.

(5) The amount of the solvency capital requirement shall correspond to the value-at-risk of the basic own funds of an insurance undertaking subject to a confidence level of 99.5% over a one-year period (risk measure).

(6) The solvency capital requirement shall cover at least the

- tveganje premoženjskih zavarovanj,
- tveganje življenjskih zavarovanj,
- tveganje zdravstvenih zavarovanj,
- tržno tveganje,
- tveganje neplačila nasprotne stranke in
- operativno tveganje.

(7) Operativno tveganje iz prejšnjega odstavka obsega pravna tveganja in izključuje tveganja, ki izhajajo iz strateških odločitev, ter tveganja za izgubo ugleda.

(8) Pri izračunu zahtevanega solventnostnega kapitala zavarovalnica upošteva učinke ukrepov oziroma tehnik za zmanjševanje tveganj pod pogojem, da se tveganje neplačila nasprotne stranke in druga tveganja, ki izhajajo iz uporabe takšnih ukrepov oziroma tehnik, ustrezno odražajo v zahtevanem solventnostnem kapitalu.

204. člen
(pogostost izračuna)

(1) Zavarovalnica izračuna zahtevani solventnostni kapital najmanj enkrat letno in o višini zahtevanega solventnostnega kapitala poroča Agenciji za zavarovalni nadzor.

(2) Če profil tveganj zavarovalnice močno odstopa od predpostavk, ki so bile osnova za izračun zahtevanega solventnostnega kapitala, ki je bil zadnjič sporočen, zavarovalnica nemudoma ponovno izračuna zahtevani solventnostni kapital in višino zahtevanega solventnostnega kapitala sporoči Agenciji za zavarovalni nadzor, skupaj s pojasnilom o razlogih za ponovni izračun zahtevanega solventnostnega kapitala ter o kvalitativnih in kvantitativnih razlikah v zadnjem in predhodnem izračunu zahtevanega solventnostnega kapitala.

(3) Če obstajajo dokazi, ki nakazujejo na to, da se je profil tveganj zavarovalnice v času od zadnjega izračuna zahtevanega solventnostnega kapitala pomembno spremenil, lahko Agencija za zavarovalni nadzor z odredbo od zavarovalnice zahteva ponoven izračun zahtevanega solventnostnega kapitala.

following:
- non-life underwriting risk,
- life underwriting risk,
- health underwriting risk,
- market risk,
- counterparty default risk and
- operational risk.

(7) Operational risk as referred to in the preceding paragraph shall include legal risks, and exclude risks arising from strategic decisions, as well as reputation risks.

(8) In calculating the solvency capital requirement, insurance undertakings shall take account of the effect of risk mitigation measures or techniques, provided that counterparty default risk and other risks arising from the use of such measures or techniques are properly reflected in the solvency capital requirement.

Article 204
(Frequency of calculation)

(1) Insurance undertakings shall calculate the solvency capital requirement at least once a year and report the amount of the solvency capital requirement to the Insurance Supervisory Agency.

(2) If the risk profile of an insurance undertaking deviates significantly from the assumptions underlying the calculation of the last reported solvency capital requirement, the insurance undertaking shall immediately recalculate the solvency capital requirement and report the amount of the solvency capital requirement to the Insurance Supervisory Agency, including an explanation of the reasons for the recalculation of the solvency capital requirement and of the qualitative and quantitative differences in the last and previous calculation of the solvency capital requirement.

(3) Where there is evidence to suggest that the risk profile of the insurance undertaking has altered significantly since the date on which the solvency capital requirement was last reported, the Insurance Supervisory Agency may require by a decision that the insurance undertaking recalculates the solvency capital requirement.

4.10.2. Izračun zahtevanega solventnostnega kapitala po standardni formuli

205. člen
(struktura standardne formule)

Zahtevani solventnostni kapital, izračunan na podlagi standardne formule, je vsota:
1. osnovnega zahtevanega solventnostnega kapitala,
2. kapitalskih zahtev za operativno tveganje,
3. prilagoditev zaradi možnosti pokrivanja izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov.

206. člen
(osnovni zahtevani solventnostni kapital)

(1) Osnovni zahtevani solventnostni kapital zajema najmanj:

1. modul tveganj premoženjskih zavarovanj,
2. modul tveganj življenjskih zavarovanj,
3. modul tveganj zdravstvenih zavarovanj,
4. modul tržnega tveganja,
5. modul tveganja neplačila nasprotne stranke.

(2) Za namene iz 1. do 3. točke prejšnjega odstavka se dejavnost zavarovalnice razvrsti v modul, ki najbolj ustreza tehnični naravi prevzetih tveganj.

(3) Vsak modul iz prvega odstavka tega člena ustreza tvegani vrednosti osnovnih lastnih virov sredstev zavarovalnice s stopnjo zaupanja 99,5% za obdobje enega leta. Pri oblikovanju posameznega modula se, kjer to ustreza naravi tveganja, upoštevajo učinki razpršenosti.

(4) Za vse zavarovalnice se uporabljajo enaka oblika in enake specifikacije za module tveganj.

4.10.2. Calculation of the solvency capital requirement according to the standard formula

Article 205
(Structure of the standard formula)

The solvency capital requirement calculated on the basis of the standard formula shall be the sum of the following items:
1. the basic solvency capital requirement,
2. the capital requirement for operational risk,
3. the adjustment for loss-absorbing capacity with simultaneous reduction in technical provisions and for deferred taxes.

Article 206
(Basic solvency capital requirement)

(1) The basic solvency capital requirement shall comprise at least:
1. a non-life underwriting risk module,
2. a life underwriting risk module,
3. a health underwriting risk module,
4. a market risk module,
5. a counterparty default risk module.

(2) For the purposes referred to in points 1 to 3 of the preceding paragraph, insurance activity shall be allocated to the module that best reflects the technical nature of the underlying risks.

(3) Each of the modules referred to in paragraph one of this Article shall be calibrated using a value-at-risk of the basic own funds of an insurance undertaking with a 99.5% confidence level, over a one-year period. Where appropriate, diversification effects shall be taken into account in the design of each module, if it reflects the nature of the risk.

(4) The same design and specifications for the risk modules shall be used for all insurance undertakings.

(5) Zavarovalnica lahko za tveganja, ki izhajajo iz katastrof, če to ustreza naravi in značilnostim tveganja, pri modulih tveganj premoženjskih, življenjskih in zdravstvenih zavarovanj uporabi geografske posebnosti.

(6) Zavarovalnica lahko pri izračunu modulov tveganj premoženjskih, življenjskih in zdravstvenih zavarovanj nadomesti parametre v standardni formuli s parametri, ki so prilagojeni njenemu poslovanju oziroma njenim zavarovalnim poslom. Parametre zavarovalnica umeri z uporabo standardiziranih metod na podlagi svojih podatkov ali podatkov, ki so neposredno povezani s posli zavarovalnice.

(7) Nadomestitev standardiziranih parametrov s parametri zavarovalnice iz prejšnjega odstavka predhodno odobri Agencija za zavarovalni nadzor, pri čemer Agencija za zavarovalni nadzor preveri popolnost, natančnost in ustreznost podatkov, ki jih je zavarovalnica uporabila za umerjanje parametrov, ter uporabljeno metodo.

207. člen
(modul tveganj premoženjskih zavarovanj)

(1) Modul tveganj premoženjskih zavarovanj odraža tveganja v zvezi s kritimi nevarnostmi in postopki, uporabljenimi pri opravljanju poslov, ki izhajajo iz premoženjskih zavarovanj, razen zdravstvenih obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(2) Modul tveganj premoženjskih zavarovanj upošteva negotovosti v rezultatu zavarovalnice zaradi obstoječih obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb na podlagi sklenjenih zavarovalnih pogodb, kot tudi zaradi pričakovanih novih obveznosti, izhajajočih iz zavarovalnih pogodb, sklenjenih v naslednjih 12 mesecih.

(3) Modul tveganj premoženjskih zavarovanj vsebuje najmanj naslednje podmodule tveganj:
1. podmodul tveganj premij in rezervacij,
2. podmodul tveganj katastrof.

(5) With regard to risks arising from catastrophes, geographical specifications may, where appropriate, be used for the calculation of the life, non-life and health underwriting risk modules.

(6) An insurance undertaking may replace the parameters in the standard formula with the parameters adjusted to its operations or its insurance business in calculating the life, non-life and health underwriting risk modules. Such parameters shall be calibrated by the insurance undertaking on the basis of internal data or data which is directly relevant for the business of insurance undertaking using standardised methods.

(7) The replacement of standardised parameters with the parameters of an insurance undertaking referred to in the preceding paragraph shall require prior authorisation by the Insurance Supervision Agency, whereby the Insurance Supervision Agency shall verify the completeness, accuracy and appropriateness of the data used by the insurance undertaking to calibrate the parameters, and the method used.

Article 207
(Non-life underwriting risk module)

(1) The non-life underwriting risk module shall reflect the risks in relation to the perils covered and the processes used in the conducting of business arising from non-life insurance, except the health insurance obligations of the insurance undertaking towards policyholders, insured persons and other beneficiaries under insurance contracts.

(2) The non-life underwriting risk module shall take account of the uncertainty in the results of the insurance undertaking related to the existing obligations to policyholders, insured persons and other beneficiaries under insurance contracts on the basis of insurance contracts concluded, as well as related to the expected new obligations under insurance contracts concluded over the next 12 months.

(3) The non-life underwriting risk module shall include at least the following risk sub-modules:
1. premium and reserve risk sub-module,
2. catastrophe risk sub-module.

(4) Podmodul tveganj premij in rezervacij vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz nihanja v času, pogostosti in jakosti zavarovanih škodnih dogodkov ter nihanj v času in obsegu obravnavanja odškodninskih zahtevkov.

(5) Podmodul tveganj katastrof iz premoženjskih zavarovanj vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb zaradi značilne negotovosti glede oblikovane premije in neustreznih predpostavk, upoštevanih v izračunu zavarovalno-tehničnih rezervacij, povezanih z ekstremnimi ali izjemnimi dogodki.

208. člen
(modul tveganj življenjskih zavarovanj)

(1) Modul tveganj življenjskih zavarovanj odraža tveganja v zvezi s kritimi nevarnostmi in postopki, uporabljenimi pri opravljanju poslov, ki izhajajo iz nepremoženjskih oziroma življenjskih obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(2) Modul tveganj življenjskih zavarovanj vsebuje najmanj naslednje podmodule tveganj:
1. podmodul tveganj umrljivosti (smrtnosti),
2. podmodul tveganj dolgoživosti,
3. podmodul tveganj invalidnosti in obolevnosti,
4. podmodul tveganj stroškov,
5. podmodul tveganj revizije,
6. podmodul tveganj predčasnih prekinitev,
7. podmodul tveganj katastrof.

(3) Podmodul tveganj umrljivosti (smrtnosti) vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz sprememb vrednosti, trenda ali nestanovitnosti upoštevane verjetnosti za smrt, pri čemer povečanje upoštevane verjetnosti za smrt vodi do povečanja obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(4) The premium and reserve risk sub-module shall include the risk of loss, or of adverse change in the value of obligations to policyholders, insured persons and other beneficiaries under insurance contracts, resulting from fluctuations in the timing, frequency and severity of insured events, and in the timing and amount of claim settlements.

(5) The catastrophe risk sub-module shall include the risk of loss, or of adverse change in the value of obligations to policyholders, insured persons and other beneficiaries under insurance contracts, resulting from significant uncertainty due to formed premiums and inappropriate assumptions underlying the calculation of technical provisions related to extreme or exceptional events.

Article 208
(Life underwriting risk module)

(1) The life underwriting risk module shall reflect risks in relation to the perils covered and the processes used in the conducting of business arising from non-life or life insurance obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts.

(2) The life underwriting risk module shall include at least the following risk sub-modules:
1. mortality risk sub-module,
2. longevity risk sub-module,
3. disability – morbidity risk sub-module,
4. life-expense risk sub-module,
5. revision risk sub-module,
6. lapse risk sub-module,
7. catastrophe risk sub-module.

(3) The mortality risk sub-module shall include the risk of loss or adverse change in the value of obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts arising from changes in the value, trend or volatility of the considered probability of death, where an increase in the mortality rate leads to an increase in obligations to policyholders, insured persons and other beneficiaries under insurance contracts.

(4) Podmodul tveganj dolgoživosti vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz sprememb vrednosti, trenda ali nestanovitnosti upoštevane verjetnosti za smrt, pri čemer znižanje upoštevane verjetnosti za smrt vodi do povečanja obveznosti do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(5) Podmodul tveganj invalidnosti in obolevnosti vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz sprememb vrednosti, trenda ali nestanovitnosti upoštevane verjetnosti za invalidnost, bolezen in obolevnost.

(6) Podmodul tveganj stroškov vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz sprememb vrednosti, trenda ali nestanovitnosti stroškov, ki nastajajo v postopku izpolnjevanja obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(7) Podmodul tveganj revizije vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz sprememb vrednosti, trenda ali nestanovitnosti upoštevanih revizij pri določanju vrednosti bodočih rent zaradi sprememb v pravnem okolju ali zaradi sprememb v zdravstvenem stanju zavarovanih oseb.

(8) Podmodul tveganj predčasnih prekinitev vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz sprememb vrednosti ali nestanovitnosti upoštevanih verjetnosti za predčasno prekinitev, prenehanje, obnovitev in odkup zavarovalnih pogodb.

(9) Podmodul tveganj katastrof iz življenjskih zavarovanj vsebuje tveganja izgube ali neugodne spremembe v vrednosti obveznosti

(4) The longevity risk sub-module shall include the risk of loss or adverse change in the value of obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts arising from changes in the value, trend or volatility of the considered probability of death, where a decrease in the mortality rate leads to an increase in obligations to policyholders, insured persons and other beneficiaries under insurance contracts.

(5) The disability – morbidity risk sub-module shall include the risk of loss or adverse change in the value of obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts arising from changes in the value, trend or volatility of the considered probability of disability, sickness and morbidity.

(6) The life-expense risk sub-module shall include the risk of loss or adverse change in the value of obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts arising from changes in the value, trend or volatility of expenses incurred due to the fulfilment of obligations of the insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts.

(7) The revision risk sub-module shall include the risk of loss or adverse change in the value of obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts resulting from changes in the value, trend, or volatility of the revision considered in determining the value of future annuities, due to changes in the legal environment or in the state of health of persons insured.

(8) The lapse risk sub-module shall include the risk of loss or adverse change in the value of obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts resulting from changes in the value or volatility of the probability of lapses considered, terminations, renewals and surrenders of contracts.

(9) The catastrophe risk sub-module in life insurance shall include the risk of loss or adverse change in the value of obligations of an

zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb zaradi značilne negotovosti glede oblikovane premije in neustreznih predpostavk, upoštevanih v izračunu zavarovalno-tehničnih rezervacij, povezanih z ekstremnimi ali izjemnimi dogodki.

209. člen
(modul tveganj zdravstvenih zavarovanj)

(1) Modul tveganj zdravstvenih zavarovanj odraža tveganja v zvezi s kritimi nevarnostmi in postopki, uporabljenimi pri opravljanju poslov, ki izhajajo iz zdravstvenih obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(2) Modul tveganj zdravstvenih zavarovanj vsebuje najmanj naslednja tveganja:

1. tveganje izgube ali neugodne spremembe v vrednosti zavarovalnih obveznosti, ki izhajajo iz sprememb vrednosti, trenda ali nestanovitnosti stroškov, ki nastanejo v postopku izpolnjevanja obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb,
2. tveganje izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb, ki izhajajo iz nihanja v času, pogostosti in jakosti zavarovanih škodnih dogodkov in nihanj v času in obsegu obravnavanja odškodninskih zahtevkov,
3. tveganje izgube ali neugodne spremembe v vrednosti obveznosti zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb zaradi značilne negotovosti glede oblikovane premije in neustreznih predpostavk, upoštevanih v izračunu zavarovalno-tehničnih rezervacij, povezanih z izbruhi večjih epidemij in nenavadnim kopičenjem tveganj v takšnih ekstremnih okoliščinah.

(3) Če določbe zakona, ki ureja zdravstvena zavarovanja, dovoljujejo delitev zneskov škod za zdravstvena tveganja med zavarovalnicami in pozavarovalnicami in izpolnjujejo merila, določena v nadaljevanju, ter dodatna merila, določena z aktom, ki ga sprejme Evropska komisija na podlagi petega odstavka 109.a člena Direktive

insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts arising from significant uncertainty due to formed premiums and inappropriate assumptions underlying the calculation of technical provisions, related to extreme or exceptional events.

Article 209
(Health underwriting risk module)

(1) The health underwriting risk module shall reflect the risk from perils covered and the processes used in the conducting of business arising from health insurance obligations of an insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts.

(2) The health underwriting risk module shall include at least the following risks:

1. the risk of loss, or of adverse change in the value of insurance obligations resulting from changes in the value, trend, or volatility of the expenses incurred in the insurance undertaking fulfilling obligations to policyholders, insured persons and other beneficiaries under insurance contracts,
2. the risk of loss, or adverse change in the value of the insurance undertaking’s obligations to policyholders, insured persons and other beneficiaries under insurance contracts resulting from fluctuations in the timing, frequency and severity of insured loss events, and in the timing and amount of claim settlements,
3. the risk of loss, or of adverse change in the value of the insurance undertaking’s obligations to policyholders, insured persons and other beneficiaries under insurance contracts, resulting from significant uncertainty due to formed premiums and inappropriate assumptions underlying the calculation of technical provisions related to outbreaks of major epidemics, as well as the unusual accumulation of risks under such extreme circumstances.

(3) If the provisions of the Act governing health insurance allow for the sharing of claims payments in respect of health risk amongst insurance and reinsurance undertakings, and meet the criteria determined hereinafter and any additional criteria as provided by the act adopted by the European Commission pursuant to Article 109.a(5) of Directive

2009/138/ES, za zavarovalnico veljajo izvedbeni tehnični standardi glede standardnih odstopanj v zvezi s temi zavarovanji, ki jih sprejme Evropska komisija na podlagi četrtega odstavka 109.a člena Direktive 2009/138/ES. Merila iz prejšnjega stavka so:

1. mehanizem za izmenjavo zahtevkov je pregleden in v celoti vnaprej določen pred letnim obdobjem, za katero velja;
2. mehanizem za izmenjavo zahtevkov, število zavarovalnic, ki sodelujejo v sistemu za izravnavo zdravstvenega tveganja, in značilnosti tveganja podjetja v okviru sistema za izravnavo zdravstvenega tveganja zagotavljajo, da je za vsako podjetje, ki sodeluje v tem sistemu, nestanovitnost letnih izgub poslovne dejavnosti, za katero velja sistem za izravnavo zdravstvenega tveganja, bistveno manjša tako glede premije kot glede rezervacije premoženjskega zavarovanja;
3. zdravstveno zavarovanje, za katerega velja sistem za izravnavo zdravstvenega tveganja, je obvezno in služi kot delna ali popolna alternativa zdravstvenemu kritju, ki ga zagotavljajo sistemi socialne varnosti;
4. v primeru neplačila zavarovalnic, ki sodelujejo v sistemu za izravnavo zdravstvenega tveganja, ena ali več vlad držav članic v celoti jamčijo za kritje zahtevkov zavarovanca za zavarovalni posel, ki ga ureja sistem za izravnavo zdravstvenega tveganja.

210. člen
(modul tržnega tveganja)

(1) Modul tržnega tveganja odraža tveganja, ki izhajajo iz sprememb v vrednosti ali nestanovitnosti tržnih cen finančnih instrumentov. V modulu tržnega tveganja zavarovalnica upošteva tiste finančne instrumente, ki vplivajo na vrednost njenih sredstev in obveznosti ter strukturno neusklajenost med njenimi sredstvi in obveznostmi, zlasti glede njihovega trajanja.

(2) Modul tržnega tveganja vsebuje najmanj naslednje podmodule tveganj:
1. podmodul tveganja obrestne mere,
2. podmodul tveganja lastniških vrednostnih papirjev,
3. podmodul tveganja nepremičnin,
4. podmodul tveganja kreditnih pribitkov,

2009/138/EC, for the insurance undertaking the implementing technical standards on standard deviations related to such insurance adopted by the European Commission pursuant to Article 109.a(4) of Directive 2009/138/EC, shall apply. The criteria referred to in the preceding sentence shall be:
1. the mechanism for the sharing of claims is transparent and fully specified in advance of the annual period to which it applies;
2. the mechanism for sharing claims, the number of insurance undertakings that participate in the health risk equalisation system and the risk characteristics of the business subject within the health risk equalisation system ensure that for each undertaking participating in this system the volatility of annual losses of the business activity subject to the health risk equalisation system is significantly lower, both in relation to the premium and to non-life insurance provisions;
3. health insurance subject to the health risk equalisation system is compulsory and serves as a partial or complete alternative to health cover provided by the social security system;
4. in the event of default by insurance undertakings participating in the health risk equalisation system, one or several Member States' governments fully guarantee to meet the policyholder's claims of the insurance business regulated by the health risk equalisation system.

Article 210
(Market risk module)

(1) The market risk module shall reflect the risk arising from the changes in value or volatility of market prices of financial instruments. In the market risk module, insurance undertakings shall take into account those financial instruments that have an impact upon the value of its assets and liabilities and the structural mismatch between its assets and liabilities, in particular with respect to the duration thereof.

(2) The market risk module shall include at least the following risk sub-modules:
1. interest rate risk sub-module,
2. equity risk sub-module,
3. property risk sub-module,
4. spread risk sub-module,

5. podmodul valutnega tveganja,
6. podmodul tržne koncentracije.

(3) Podmodul tveganja obrestne mere odraža občutljivost vrednosti sredstev, obveznosti in finančnih instrumentov na spremembe v časovni strukturi obrestnih mer ali nestanovitnosti obrestnih mer.

(4) Podmodul tveganja lastniških vrednostnih papirjev odraža občutljivost vrednosti sredstev, obveznosti in finančnih instrumentov na spremembe vrednosti ali nepredvidljivost tržnih cen lastniških vrednostnih papirjev.

(5) Podmodul tveganja nepremičnin odraža občutljivost vrednosti sredstev, obveznosti in finančnih instrumentov na spremembe vrednosti ali nestanovitnosti tržnih cen nepremičnin.

(6) Podmodul tveganja kreditnih pribitkov odraža občutljivost vrednosti sredstev, obveznosti in finančnih instrumentov na spremembe vrednosti ali nestanovitnosti kreditnih pribitkov na netvegano obrestno mero.

(7) Podmodul valutnega tveganja odraža občutljivost vrednosti sredstev, obveznosti in finančnih instrumentov na spremembe vrednosti ali nestanovitnosti menjalnih tečajev.

(8) Podmodul tržne koncentracije odraža dodatna tveganja zavarovalnice zaradi pomanjkljive razpršenosti portfelja sredstev ali večje izpostavljenosti tveganju neplačila s strani enega izdajatelja vrednostnih papirjev ali skupine povezanih izdajateljev.

211. člen
(modul tveganja neplačila nasprotne stranke)

(1) Modul tveganja neplačila nasprotne stranke odraža možne izgube zaradi nepričakovanega neplačila ali poslabšanja kreditnega položaja nasprotnih strank in dolžnikov zavarovalnic v prihodnjih 12 mesecih. Modul tveganja neplačila nasprotne stranke zajema pogodbe za zmanjševanje tveganja, kot so pozavarovalne pogodbe, listinjenja in izvedeni finančni instrumenti ter terjatve do zavarovalnih posrednikov, kot tudi druge kreditne izpostavljenosti, ki jih ne zajema podmodul tveganja

5. currency risk sub-module,
6. market concentration sub-module.

(3) The interest rate risk sub-module shall reflect the sensitivity of the values of assets, liabilities and financial instruments to changes in the term structure of interest rates or in the volatility of interest rates.

(4) The equity risk sub-module shall reflect the sensitivity of the values of assets, liabilities and financial instruments to changes in the value or in the volatility of market prices of equities.

(5) The property risk sub-module shall reflect the sensitivity of the values of assets, liabilities and financial instruments to changes in the value or in the volatility of market prices of real estate.

(6) The spread risk sub-module shall reflect sensitivity of the values of assets, liabilities and financial instruments to changes in the value or in the volatility of credit spreads over the risk-free interest rate.

(7) The currency risk sub-module shall reflect the sensitivity of the values of assets, liabilities and financial instruments to changes in the value or in the volatility of currency exchange rates.

(8) The market concentration sub-module shall reflect additional risks to an insurance undertaking stemming either from lack of diversification in the asset portfolio or from large exposure to default risk by a single issuer of securities or a group of related issuers.

Article 211
(Counterparty default risk module)

(1) The counterparty default risk module shall reflect possible losses due to unexpected default, or deterioration in the credit standing, of the counterparties and debtors of insurance undertakings over the next 12 months. The counterparty default risk module shall cover risk-mitigating contracts, such as reinsurance contracts, securitisations and financial derivative instruments, and receivables from insurance brokers, as well as any other credit exposures which are not covered in the spread risk sub-

kreditnih pribitkov.

(2) Modul tveganja neplačila nasprotne stranke primerno upošteva jamstva s premoženjem ali drugimi vrednostnimi papirji, ki so pri zavarovalnici ali pa so sklenjena za račun zavarovalnice in s tem povezana tveganja.

(3) Modul tveganja neplačila nasprotne stranke za vsako nasprotno stranko upošteva celovito izpostavljenost do te stranke ne glede na pravno obliko pogodbenih obveznosti do zavarovalnice.

module.

(2) The counterparty default risk module shall take appropriate account of collateral or other securities held by or concluded for the account of the insurance undertaking and the risks associated therewith.

(3) For each counterparty, the counterparty default risk module shall take account of the overall counterparty risk exposure of the insurance undertaking concerned to that counterparty, irrespective of the legal form of contractual obligations to that undertaking.

212. člen
(podmodul tveganja lastniških vrednostnih papirjev: simetrična prilagoditev)

(1) V podmodul tveganja lastniških vrednostnih papirjev, izračunanim z uporabo standardne formule, je vključena simetrična prilagoditev, ki kapitalsko zahtevo tega modula prilagodi tveganju zavarovalnice, ki izhaja iz sprememb ravni cen lastniških vrednostnih papirjev.

(2) Simetrična prilagoditev temelji na funkciji sedanje ravni primernega indeksa lastniških vrednostnih papirjev in tehtani povprečni stopnji tega indeksa. Tehtano povprečje se izračuna z upoštevanjem časovnega obdobja, ki je enako za vse zavarovalnice.

(3) Simetrična prilagoditev lahko zahtevani solventnostni kapital za podmodul tveganj lastniških vrednostnih papirjev, izračunan z uporabo standardne formule, poveča oziroma zmanjša za največ 10 odstotnih točk.

Article 212
(Calculation of equity risk sub-module: symmetric adjustment)

(1) The equity risk sub-module calculated in accordance with the standard formula shall include a symmetric adjustment which adjusts the equity capital charge of this module to the risk of the insurance undertaking arising from changes in the level of equity prices.

(2) The symmetric adjustment shall be based on a function of the current level of an appropriate equity index and a weighted average level of that index. The weighted average shall be calculated taking into account a period of time which shall be the same for all insurance undertakings.

(3) The symmetric adjustment may increase or decrease the required solvency capital of the equity risk sub-module by no more than 10 percentage points, calculated in accordance with the standard formula.

213. člen
(podmodul tveganja lastniških vrednostnih papirjev: pristop, ki temelji na trajanju)

(1) Zavarovalnica lahko za izračun zahtevanega solventnostnega kapitala za podmodul tveganja lastniških vrednostnih

Article 213
(Equity risk sub-module: duration-based approach)

(1) An insurance undertaking may for the calculation of the solvency capital requirement of the equity risk sub-module apply the

papirjev uporabi pristop na osnovi trajanja, ki je umerjen s tvegano vrednostjo osnovnih lastnih virov sredstev zavarovalnice, določeno v 206. členu tega zakona, v obdobju, ki ustreza običajnemu obdobju posedovanja lastniških vrednostnih papirjev te zavarovalnice za namen upravljanja pokojninskih skladov, in s stopnjo zaupanja, ki je skladna stopnji zaupanja iz petega odstavka 203. člena tega zakona.

(2) Za izračun kapitalske zahteve podmodula tveganja lastniških vrednostnih papirjev, ki se nanaša na sredstva in obveznosti, ki jih zavarovalnica ločeno upravlja za namen upravljanja pokojninskih skladov, lahko zavarovalnica uporabi pristop iz prejšnjega odstavka, če je za to pridobila dovoljenje Agencije za zavarovalni nadzor.

(3) Agencija za zavarovalni nadzor izda dovoljenje za uporabo podmodula tveganja lastniških vrednostnih papirjev, ki temelji na trajanju, zavarovalnici, ki je pridobila dovoljenje za opravljanje zavarovanj v zavarovalni skupini življenjskih zavarovanj in upravlja pokojninske sklade v skladu z zakonom, ki ureja pokojninske sklade, oziroma aktom države članice, ki je bil sprejet zaradi prenosa Direktive 2003/41/ES ali izvaja druge oblike pokojninskih zavarovanj, pri katerih so vplačane premije odbitna postavka od davčne osnove zavarovanca, če:

1. ločeno upravlja pokojninske sklade v smislu prvega odstavka 28. člena tega zakona,
2. upravlja pokojninske sklade iz napovednega stavka tega odstavka samo v državah članicah, v katerih je pridobila dovoljenje za opravljanje te dejavnosti, in
3. povprečno trajanje obveznosti, za katere se bo uporabljal podmodul tveganja lastniških vrednostnih papirjev, presega 12 let.

(4) Agencija za zavarovalni nadzor izda dovoljenje iz drugega odstavka tega člena samo zavarovalnici, katere kapitalski in likvidnostni položaj ter strategije in postopki, vključno s postopki poročanja o upravljanju sredstev in obveznosti, zagotavljajo, da je zavarovalnica sposobna posedovati lastniške vrednostne papirje v obdobju, ki ustreza običajnemu obdobju posedovanja lastniških vrednostnih papirjev te zavarovalnice za namen upravljanja pokojninskih skladov oziroma izvajanje drugih oblik pokojninskih zavarovanj, pri katerih so vplačane premije odbitna postavka od davčne osnove zavarovanca. Zavarovalnica je sposobna dokazati Agenciji za zavarovalni nadzor, da je ta pogoj izpolnjen s stopnjo zaupanja, kot je določeno v petem odstavku

duration-based approach, which is calibrated using a value-at-risk measure of basic own funds of the insurance undertaking laid down in Article 206 of this Act during the period which corresponds to the typical holding period of equity securities of the insurance undertaking concerned to manage pension funds with a confidence level that complies with the confidence level referred to in paragraph five of Article 203 of this Act.

(2) To calculate the capital requirement of the equity risk sub-module referring to assets and liabilities which are separately managed by an insurance undertaking for the purpose of pension funds, the insurance undertaking may apply the approach referred to in the preceding paragraph, if it has obtained authorisation from the Insurance Supervision Agency.

(3) The Insurance Supervision Agency shall issue authorisation to apply an equity risk sub-module which is duration-based, to an insurance undertaking which has obtained authorisation to conduct insurance business in the life insurance group and manages pension funds pursuant to the Act governing pension funds or the act of a Member State which has been adopted to transpose Directive 2003/41/EC or performs other types of pension insurance where the premiums paid are a deductible item from the insured person's tax base, if:

1. its pension funds are managed separately within the meaning of paragraph one of Article 28 of this Act,
2. its pension funds as referred to in the introductory phrase of this paragraph are managed only in Member States where it has obtained authorisation to pursue this activity, and
3. the average duration of the liabilities for which the equity risk sub-module will be used, exceeds 12 years.

(4) The Insurance Supervision Agency shall issue the authorisation referred to in paragraph two of this Article only to an insurance undertaking whose solvency and liquidity position as well as the strategies and procedures, including reporting procedures on the asset–liability management, ensure that the insurance undertaking is able to hold equity securities for a period which is consistent with the typical holding period of equity securities of the insurance undertaking concerned for the purpose of managing pension funds or performing other types of pension insurance where premiums paid are a deductible item from the insured person's tax base. The insurance undertaking shall be able to demonstrate to the Insurance Supervision Agency that this condition is

203. člena tega zakona.

(5) Zavarovalnice ne smejo opustiti uporabe pristopa, ki temelji na trajanju, razen v ustrezno utemeljenih primerih, za katerega predhodno pridobijo dovoljenje Agencije za zavarovalni nadzor.

214. člen
(kapitalske zahteve za operativno tveganje)

(1) V kapitalskih zahtevah za operativno tveganje so upoštevana tista operativna tveganja, ki niso že upoštevana v izračunu osnovnega zahtevanega solventnostnega kapitala iz 206. člena tega zakona.

(2) Zahtevani solventnosti kapital za operativna tveganja ustreza tvegani vrednosti osnovnih lastnih sredstev zavarovalnice s stopnjo zaupanja 99,5% za obdobje enega leta.

(3) Pri življenjskih zavarovanjih, pri katerih zavarovalec prevzema naložbeno tveganje, izračun kapitalskih zahtev za operativno tveganje upošteva znesek letnih stroškov zavarovalnice, ki so nastali v zvezi s temi obveznostmi zavarovalnice do zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(4) Pri zavarovalnih poslih, razen zavarovalnih poslih iz prejšnjega odstavka, se v izračunu kapitalskih zahtev za operativno tveganje iz teh poslov upošteva obseg zavarovalnih poslov v smislu prihodkov od premij in višine oblikovanih zavarovalno-tehničnih rezervacij za te posle.

(5) Pri zavarovalnih poslih iz prejšnjega odstavka kapitalske zahteve za operativno tveganje ne smejo preseči 30% osnovnega zahtevanega solventnostnega kapitala iz 206. člena tega zakona, ki se nanaša na te zavarovalne posle.

215. člen
(prilagoditev zaradi možnosti pokrivanja izgub s hkratnim

fulfilled with the level of confidence as laid down in paragraph five of Article 203 of this Act.

(5) Insurance undertakings must not discontinue applying the duration-based approach, except in duly justified circumstances, subject to the prior authorisation of the Insurance Supervision Agency.

Article 214
(Capital requirements for operational risk)

(1) The capital requirements for operational risk shall take into account those operational risks that are not already included in the calculation of the basic solvency capital requirement referred to in Article 206 of this Act.

(2) The solvency capital requirement for operational risks shall correspond to the value-at-risk of basic own funds of an insurance undertaking subject to a confidence level of 99.5% over a one year period.

(3) With respect to life insurance contracts where the investment risk is borne by the policyholders, the calculation of the capital requirements for operational risk shall take account of the amount of annual expenses incurred in respect of those insurance obligations of the insurance undertaking to policyholders, insured persons and other beneficiaries under insurance contracts.

(4) With respect to insurance business other than those referred to in the preceding paragraph, the calculation of the capital requirements for operational risk from such business shall take account of the volume of the insurance business, in terms of earned premiums and the level of established technical provisions for such business.

(5) In insurance business as referred to in the preceding paragraph, the capital requirement for operational risks shall not exceed 30% of the basic solvency capital requirement referred to in Article 206 of this Act relating to the insurance business.

Article 215
(Adjustment for possible loss-absorbing capacity with simultaneous

zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov)

(1) Prilagoditev zaradi možnosti pokrivanja izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov odraža možno poravnavo nepričakovanih izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij oziroma odloženih davkov.

(2) Prilagoditev zaradi možnosti pokrivanja izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov upošteva učinek blažitve tveganj zaradi prihodnjih diskrecijskih upravičenj v obsegu, v katerem lahko zavarovalnica dokaže, da lahko zmanjšanje takšnih upravičenj uporabi za kritje nepričakovanih izgub, ko se te pojavijo. Višina prilagoditev zaradi možnosti pokrivanja izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov ne sme biti višja od vsote zavarovalno-tehničnih rezervacij in odloženih davkov, ki se nanašajo na ta prihodnja diskrecijska izplačila.

(3) Zavarovalnica ugotovi vrednost prihodnjih diskrecijskih upravičenj tako, da primerja vrednost izplačil zavarovancem oziroma drugim upravičencem iz zavarovalnih pogodb v neugodnih razmerah z izplačili v okviru predpostavk, na katerih temelji izračun najboljše ocene.

(4) Zavarovalnica na zahtevo Agencije za zavarovalni nadzor dokaže znesek prilagoditev zaradi možnosti pokrivanja izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov iz prvega odstavka tega člena, ki jih je upoštevala v izračunu zahtevanega solventnostnega kapitala.

216. člen
(poenostavitve v standardni formuli)

Zavarovalnica lahko za posamezen modul ali podmodul tveganj uporabi poenostavljen izračun zahtevanega solventnostnega kapitala, če to dovoljuje narava, obseg in zahtevnost tveganj, s katerimi se sooča v okviru posameznega modula ali podmodula tveganj, in če bi bilo nesorazmerno zahtevati, da uporabi standardizirani izračun. Poenostavljen izračun zahtevanega solventnostnega kapitala izpolnjuje

reduction of technical provisions and for deferred taxes)

(1) Adjustment for possible loss-absorbing capacity with simultaneous reduction of technical provisions and for deferred taxes shall reflect the potential compensation of unexpected losses through a simultaneous reduction in technical provisions or deferred taxes.

(2) Adjustment for possible loss-absorbing capacity with simultaneous reduction of technical provisions and for deferred taxes shall take account of the risk-mitigating effect due to future discretionary benefits, to the extent that the insurance undertaking can establish that a reduction in such benefits may be used to cover unexpected losses when they arise. The level of adjustment for loss-absorbing capacity with simultaneous reduction of technical provisions and for deferred taxes shall be no higher than the sum of technical provisions and deferred taxes relating to those future discretionary benefits.

(3) An insurance undertaking shall determine the value of future discretionary benefits by way of comparing the value of payments to insured persons or other beneficiaries under insurance contracts under adverse circumstances to payments under the underlying assumptions of the best-estimate calculation.

(4) An insurance undertaking must show evidence of the amount of the adjustment for possible loss-absorbing capacity with simultaneous reduction of technical provisions and for deferred taxes referred to in paragraph one of this Article which were taken into account in the calculation of the solvency capital requirement, at the request of the Insurance Supervision Agency.

Article 216
(Simplifications in the standard formula)

An insurance undertaking may use a simplified calculation of solvency capital requirement for a specific risk module or sub-module where the nature, scale and complexity of the risks it faces within a specific risk module or sub-module justifies it and where it would be disproportionate to require application of the standardised calculation. Simplified calculations of the solvency capital requirement shall meet the

zahtevo četrtega in petega odstavka 203. člena tega zakona.

217. člen
(znatno odstopanje od predpostavk izračuna po standardni formuli)

(1) Agencija za zavarovalni nadzor lahko z odredbo, v kateri navede razloge, od zavarovalnice zahteva uporabo parametrov, prilagojenih zavarovalnici oziroma njenim prevzetim tveganjem, za izračun zahtevanega solventnostnega kapitala za module tveganj, življenjskih, premoženjskih in zdravstvenih zavarovanj, v skladu s šestim odstavkom 206. člena tega zakona, če tveganja zavarovalnice močno odstopajo od predpostavk, ki so osnova za izračun zahtevanega solventnostnega kapitala po standardni formuli.

(2) Parametri, prilagojeni zavarovalnici oziroma njenim privzetim tveganjem so določeni tako, da izpolnjujejo zahtevo četrtega in petega odstavka 203. člena tega zakona.

4.10.3. Izračun zahtevanega solventnostnega kapitala z uporabo popolnega ali delnega notranjega modela

218. člen
(splošne določbe glede uporabe popolnih ali delnih notranjih modelov)

(1) Za izračun zahtevanega solventnostnega kapitala z delnim ali popolnim notranjim modelom potrebuje zavarovalnica dovoljenje Agencije za zavarovalni nadzor.

(2) Agencija za zavarovalni nadzor izda dovoljenje za uporabo notranjega modela na zahtevo zavarovalnice, na podlagi dokazil, da notranji popolni ali delni model izpolnjuje zahteve iz 225. do 230. člena tega zakona, in če Agencija za zavarovalni nadzor zaključi, da so sistemi za upravljanje, merjenje, spremljanje, obvladovanje in poročanje o tveganjih zavarovalnice ustrezni.

condition referred to in paragraphs four and five of Article 203 of this Act.

Article 217
(Significant deviations from the assumptions underlying the standard formula calculation)

(1) The Insurance Supervision Agency may by a decision in which the reasons are stated, require an insurance undertaking to use parameters specific to the insurance undertaking or its assumed risks when calculating the solvency capital requirement for the life, non-life and health underwriting risk modules pursuant to paragraph six of Article 206 of this Act, provided that the risks of the insurance undertaking deviate significantly from the assumptions underlying the standard formula calculation of the solvency capital requirement.

(2) The parameters specific to an insurance undertaking or its assumed risks shall be determined by complying with conditions referred to in paragraphs four and five of Article 203 of this Act.

4.10.3. Calculation of solvency capital requirement using a full or partial internal model

Article 218
(General provisions for using full or partial internal models)

(1) To calculate the solvency capital requirement by using a full or partial internal model, the insurance undertaking shall obtain authorisation from the Insurance Supervision Agency.

(2) The Insurance Supervision Agency shall issue the authorisation to use an internal model based on an application from an insurance undertaking on the basis of evidence that the full or partial internal model complies with the conditions referred to in Articles 225 to 230 of this Act, and if the Insurance Supervision Agency determines that the risk management systems, measurement, monitoring and reporting systems of the undertaking are adequate.

(3) Agencija za zavarovalni nadzor v skladu s prvim odstavkom 35. člena Uredbe (EU) št. 1094/2010 obvesti EIOPA o vlogi zavarovalnice za uporabo ali spremembo popolnega ali delnega notranjega modela. Agencija za zavarovalni nadzor lahko EIOPA zaprosi za tehnično pomoč pri odločanju o vlogi zavarovalnice za uporabo notranjega modela.

(4) Agencija za zavarovalni nadzor odloči o izdaji dovoljenja za uporabo notranjega modela za izračun zahtevanega solventnostnega kapitala v šestih mesecih od prejema popolne zahteve.

(5) Agencija za zavarovalni nadzor lahko z odredbo, v kateri so navedeni razlogi, od zavarovalnice, ki je pridobila dovoljenje za uporabo notranjega modela, zahteva, da ji posreduje oceno zahtevanega solventnostnega kapitala, izračunanega z uporabo standardne formule.

219. člen
(dodatne določbe za uporabo delnih notranjih modelov)

(1) Delni notranji model lahko zavarovalnica uporabi za izračun:

1. enega ali več modulov ali podmodulov tveganj osnovnega zahtevanega solventnostnega kapitala,
2. kapitalskih zahtev za operativno tveganje,
3. prilagoditev zaradi možnosti pokrivanja izgub s hkratnim zmanjšanjem zavarovalno-tehničnih rezervacij in zaradi odloženih davkov.

(2) Delni notranji model lahko zavarovalnica uporabi za izračun zahtevanega solventnostnega kapitala za celotno poslovanje zavarovalnice ali za enega ali več segmentov poslovanja.

(3) Za izdajo dovoljenja za uporabo delnega notranjega modela zavarovalnica poleg zahtev iz drugega odstavka prejšnjega člena izpolnjuje tudi naslednje dodatne pogoje:

1. zavarovalnica ustrezno utemelji razlog za omejen obseg uporabe notranjega modela,

(3) In accordance with paragraph one of Article 35 of Regulation (EU) No 1094/2010, the Insurance Supervision Agency shall inform EIOPA of the insurance undertaking's application for the use or modification of full or partial internal model. The Insurance Supervision Agency may request EIOPA for technical assistance in deciding on the insurance undertaking's application to use the internal model.

(4) The Insurance Supervision Agency shall decide on the granting of authorisation to use an internal model to calculate the solvency capital requirement within six months of receipt of a complete application.

(5) The Insurance Supervision Agency may by means of an order stating the reasons, require an insurance undertaking which has been authorised to use an internal model to submit to the Insurance Supervision Agency an estimate of the solvency capital requirement calculated according to the standard formula.

Article 219
(Additional provisions for application of partial internal models)

(1) An insurance undertaking may use a partial internal model for the calculation of:

1. one or more risk modules, or sub-modules, of the basic solvency capital requirement,
2. the capital requirement for operational risk,
3. the adjustment for loss-absorbing capacity with simultaneous reduction in technical provisions and for deferred taxes.

(2) The insurance undertaking may use the partial internal model for the calculation of solvency capital requirement for its entire business or for one or several business segments.

(3) For authorisation to use the partial internal model, the insurance undertaking, in addition to the requirements referred to in paragraph two of the preceding Article, shall also meet the following conditions:

1. the reason for the limited scope of use of the internal model is properly justified by the insurance undertaking,

2. delni notranji model ustrezneje ovrednoti tveganja zavarovalnice v primerjavi z vrednostjo zahtevanega solventnostnega kapitala, izračunanega na podlagi standardne formule,
3. sestava delnega notranjega modela omogoča popolno vključitev v standardno formulo za izračun zahtevanega solventnostnega kapitala.

(4) Agencija za zavarovalni nadzor lahko v postopku odločanja o uporabi delnega notranjega modela, ki obsega le nekatere podmodule določenega modula tveganj ali samo nekatere segmente poslovanja zavarovalnice, od zavarovalnice zahteva, da predloži časovni potek razširitve obsega uporabe delnega notranjega modela.

(5) Načrt časovnega poteka razširitve obsega uporabe delnega notranjega modela iz prejšnjega odstavka določa način, po katerem namerava zavarovalnica razširiti uporabo delnega notranjega modela na druge podmodule določenega modula tveganj ali na druge segmente poslovanja, da bi s tem zagotovila, da bo delni notranji model pokrival prevladujoč del zavarovalnih poslov oziroma tveganj.

220. člen
(postopek glede spreminjanja popolnih in delnih notranjih modelov)

(1) Agencija za zavarovalni nadzor pri izdaji dovoljenja za uporabo delnega ali popolnega notranjega modela odobri tudi politiko spreminjanja notranjega modela. Zavarovalnica lahko spremeni delni ali popolni notranji model samo v skladu z odobreno politiko.

(2) Politika spreminjanja notranjega modela ločeno vsebuje podroben opis za spreminjanje manjših in večjih sprememb notranjega modela.

(3) Za večje spremembe delnega ali popolnega notranjega modela potrebuje zavarovalnica dovoljenje Agencije za zavarovalni nadzor v skladu s prvim odstavkom 218. člena tega zakona.

(4) Za manjše spremembe delnega ali popolnega notranjega modela, ki so v skladu z odobreno politiko spreminjanja notranjega

2. the partial internal model more adequately evaluates the risks of the insurance undertaking than the value of the solvency capital requirement calculated based on the standard formula,
3. the design of the partial internal model allows it to be fully integrated into the solvency capital requirement standard formula.

(4) The Insurance Supervision Agency may, in the procedure of assessing an application for the use of a partial internal model which covers only certain sub-modules of a specific risk module, or some of the business segments of an insurance undertaking, require insurance undertakings to submit a timeline for the extension of the scope of the partial internal model.

(5) The timeline plan for extension of the scope of the partial internal model referred to in the preceding paragraph shall determine the manner in which an insurance undertaking intends to extend the application of the scope of the partial internal model to other sub-modules of a particular risk module or to other business segments, in order to ensure that the partial internal model will cover a predominant part of insurance business or risks.

Article 220
(Procedure for changing full and partial internal models)

(1) In issuing the authorisation to use a partial or full internal model, the Insurance Supervision Agency shall also approve the policy for changing the internal model. An insurance undertaking may change a partial or full internal model only in accordance with the approved policy.

(2) The policy for changing an internal model shall include a separate and detailed specification of minor and major changes to the internal model.

(3) The insurance undertaking shall require authorisation from the Insurance Supervision Agency for major changes to the full or partial internal model pursuant to paragraph one of Article 218 of this Act.

(4) The insurance undertaking shall not require authorisation from the Insurance Supervision Agency for minor changes to the full or

modela, zavarovalnica ne potrebuje dovoljenja Agencije za zavarovalni nadzor.

221. člen
(odgovornost organov upravljanja zavarovalnice pri uporabi delnega ali popolnega notranjega modela)

(1) Zahtevo za izdajo dovoljenja za uporabo delnega ali popolnega notranjega modela ali zahtevo za odobritev večjih sprememb delnega ali popolnega notranjega modela odobri uprava zavarovalnice.

(2) Uprava zavarovalnice je odgovorna:

1. za vzpostavitev sistemov, ki zagotavljajo stalno in pravilno delovanje delnega ali popolnega notranjega modela;
2. da zagotavlja ustreznost delnega ali popolnega notranjega modela in njegovo stalno delovanje;
3. da delni ali popolni notranji model stalno odraža profil tveganj, ki jih obravnava.

222. člen
(vrnitev na izračun zahtevanega solventnostnega kapitala z uporabo standardne formule)

Po pridobitvi dovoljenja za uporabo delnega ali popolnega notranjega modela za izračun zahtevanega solventnostnega kapitala zavarovalnice ne smejo kapitalskih zahtev za del, za katerega so pridobile dovoljenje za uporabo notranjega modela, računati z uporabo standardne formule. Standardno formulo za del ali celotni zahtevani solventnostni kapital, ki je predmet dovoljenja, lahko uporabijo le v izjemnih okoliščinah, ki so ustrezno utemeljene in pod pogojem, da je Agencija za zavarovalni nadzor to odobrila.

223. člen
(neskladnost notranjega modela)

partial internal model, provided they comply with the approved policy for changing the internal model.

Article 221
(Responsibility of insurance undertaking's management bodies for the use of a partial or full internal model)

(1) An application for authorisation to use a partial or full internal model or for the approval of major changes to a partial or full internal model shall be approved by the management board of an insurance undertaking.

(2) The management board of an insurance undertaking shall have responsibility for:
1. putting in place systems which ensure that the full or partial internal model operates properly on a continuous basis;
2. ensuring the suitability of a partial or full internal model, and its constant performance;
3. the partial or full internal model regularly reflecting the risk profile which it manages.

Article 222
(Return to calculation of solvency capital requirement by using standard formula)

After having received authorisation to use a partial or full internal model for the calculation of the solvency capital requirement, insurance undertakings shall not calculate the part of the solvency capital requirements for which they have obtained authorisation to use the internal model by using the standard formula. The standard formula may be used to calculate all or part of the solvency capital requirement, which is subject to the authorisation only in exceptional and duly justified circumstances and approved as such by the Insurance Supervision Agency.

Article 223
(Non-compliance of the internal model)

(1) Če po pridobitvi dovoljenja Agencije za zavarovalni nadzor za uporabo notranjega modela notranji model zavarovalnice preneha izpolnjevati zahteve iz drugega odstavka 218. člena tega zakona, zavarovalnica Agenciji za zavarovalni nadzor nemudoma posreduje načrt, v katerem so opisani ukrepi in roki za uskladitev delnega ali popolnega notranjega modela z zahtevami iz drugega odstavka 218. člena tega zakona, ali dokazati, da je finančni vpliv, ki je posledica neskladnosti, nepomemben.

(2) Če zavarovalnica ne izvede načrta, ki ga je v skladu s prejšnjim odstavkom posredovala Agenciji za zavarovalni nadzor, lahko Agencija za zavarovalni nadzor zahteva, da zavarovalnica zahtevani solventnostni kapital izračunava z uporabo standardne formule.

224. člen
(odstopanje od predpostavk izračuna zahtevanega solventnostnega kapitala po standardni formuli)

Če tveganja zavarovalnice močno odstopajo od predpostavk, ki so osnova za izračun zahtevanega solventnostnega kapitala z uporabo standardne formule, izda Agencija za zavarovalni nadzor odredbo, s katero zavarovalnici naloži, da za izračun zahtevanega solventnostnega kapitala ali ustreznih modulov tveganj uporablja popolni ali delni notranji model.

225. člen
(test uporabnosti)

Zavarovalnica prikaže Agenciji za zavarovalni nadzor, da:

1. notranji model redno uporablja in da ima notranji model pomembno vlogo v njenem sistemu upravljanja, zlasti pri:
   - sistemu za obvladovanje tveganj in procesih odločanja,
   - ekonomskih odločitvah, kapitalskih zahtevah in procesih delovanja, vključno z lastno oceno tveganj in solventnosti;
2. je pogostost izračunavanja zahtevanega solventnostnega kapitala z

(1) If, after having received authorisation from the Insurance Supervision Agency to use an internal model, the insurance undertaking ceases to comply with the requirements referred to in paragraph two of Article 218 of this Act, it shall, without delay, either present to the Insurance Supervision Agency a plan including measures and deadlines to restore the compliance of a partial or full internal model with the requirements referred to in paragraph two of Article 218 of this Act, or demonstrate that the financial effect resulting from non-compliance is immaterial.

(2) In the event that an insurance undertaking fails to implement the plan submitted to the Insurance Supervision Agency pursuant to the preceding paragraph, the Insurance Supervision Agency may require the insurance undertaking to calculate the solvency capital requirement according to the standard formula.

Article 224
(Deviations from assumptions underlying the calculation of the solvency capital requirement according to the standard formula)

If the risk profile of the insurance undertaking deviates significantly from the assumptions underlying the calculation of the solvency capital requirement according to the standard formula, the Insurance Supervision Agency shall issue an order requiring the insurance undertaking to use a full or partial internal model to calculate the solvency capital requirement or the relevant risk modules.

Article 225
(Use test)

Insurance undertakings shall demonstrate to the Insurance Supervision Agency that:

1. the internal model is regularly used and plays an important role in its governance system, in particular:
   - in the risk management system and decision-making processes,
   - in business decisions, capital requirements and operation processes, including own risk and solvency assessment;
2. the frequency of calculation of the solvency capital requirement by

uporabo notranjega modela skladna s pogostostjo uporabe notranjega modela za druge namene, predpisane v prejšnji točki.

226. člen
(standardi kakovosti statističnih podatkov)

(1) Notranji model in izračun napovedi v obliki verjetnostne porazdelitve, na kateri model temelji, izpolnjuje merila iz naslednjih odstavkov tega člena.

(2) Metode, uporabljene za izračun napovedi v obliki verjetnostne porazdelitve, temeljijo na veljavnih in ustreznih aktuarskih ter statističnih tehnikah in so v skladu z metodami, uporabljenimi za izračun zavarovalno-tehničnih rezervacij. Metode, uporabljene za izračun napovedi v obliki verjetnostne porazdelitve, temeljijo na sedanjih in verodostojnih informacijah ter realnih predpostavkah.

(3) Na zahtevo Agencije za zavarovalni nadzor zavarovalnica utemelji izbiro predpostavk, uporabljenih v notranjem modelu.

(4) Notranji model vsebuje vsa pomembna tveganja, ki jim je zavarovalnica izpostavljena. Notranji model zajema vsa tveganja, predpisana v šestem odstavku 203. člena tega zakona.

(5) Podatki, uporabljeni v notranjem modelu, so natančni, popolni in ustrezni. Zavarovalnica najmanj enkrat letno posodobi parametre, uporabljene pri izračunu napovedi v obliki verjetnostne porazdelitve.

(6) Zavarovalnica v notranjem modelu upošteva vsa plačila zavarovalcem, zavarovancem ali drugim upravičencem zavarovalnih pogodb, za katera predvideva, da bodo nastala, tudi če ta plačila niso pogodbeno zajamčena.

(7) Zavarovalnica lahko v notranjem modelu upošteva učinke razpršenosti v sklopu posameznih tveganj ali med njimi, če ji za to izda dovoljenje Agencija za zavarovalni nadzor. Agencija za zavarovalni nadzor izda dovoljenje za upoštevanje učinkov razpršenosti, če ima

using an internal model is consistent with the frequency of use of the internal model for other purposes prescribed in the preceding point.

Article 226
(Statistical data quality standards)

(1) The internal model and the calculation of the probability distribution forecast underlying the internal model, shall comply with the criteria referred to in the following paragraphs of this Article.

(2) The methods used to calculate the probability distribution forecast shall be based on applicable and relevant actuarial and statistical techniques and shall be consistent with the methods used to calculate technical provisions. The methods used to calculate the probability distribution forecast shall be based upon current and credible information and realistic assumptions.

(3) At the request of the Insurance Supervision Agency, an insurance undertaking shall justify the choice of assumptions underlying an internal model.

(4) The internal model shall cover all of the material risks to which the insurance undertaking is exposed. The internal models shall cover at least the risks prescribed in paragraph six of Article 203 of this Act.

(5) Data used for the internal model shall be accurate, complete and appropriate. Insurance undertakings shall update the parameters used in the calculation of the probability distribution forecast at least annually.

(6) In their internal model, insurance undertakings shall take account of all payments to policyholders, insured persons and other beneficiaries under insurance contracts which they expect to arise, whether or not those payments are contractually guaranteed.

(7) An insurance undertaking may in the internal model take into account diversification effects within individual risks or among them, if it has received authorisation from the Insurance Supervision Agency. The Insurance Supervision Agency shall issue authorisation to take into

zavarovalnica vzpostavljen ustrezen sistem za merjenje takšnih učinkov in če se Agencija za zavarovalni nadzor prepriča, da je uporabljeni sistem za merjenje učinkov razpršenosti ustrezen.

(8) Zavarovalnica lahko v notranjem modelu upošteva učinke ukrepov za zmanjševanje tveganj pod pogojem, da se v notranjem modelu ustrezno upoštevajo kreditna in druga tveganja, ki izhajajo iz uporabe ukrepov za ublažitev tveganj.

(9) Zavarovalnica oceni tveganja v zvezi s finančnimi garancijami in drugimi upravičenji iz zavarovalnih pogodb, upoštevanih v notranjih modelih. Poleg tega zavarovalnice ocenijo tudi prodajna in nakupna upravičenja, ki jih imajo same. V ta namen zavarovalnica upošteva vpliv prihodnjih sprememb finančnih in nefinančnih razmer na izvajanje teh prodajnih in nakupnih upravičenj.

(10) Zavarovalnica lahko v notranjem modelu upošteva prihodnje ukrepe organov upravljanja, ki bi jih ti v posebnih okoliščinah po razumnih pričakovanjih izvedli.

227. člen
(standardi umeritve)

(1) Zavarovalnica lahko v notranjem modelu uporabi drugačno časovno obdobje ali mero tveganja od tiste, določene v četrtem in petem odstavku 203. člena tega zakona. Uporaba drugačnega časovnega obdobja ali mere tveganja je možna, če zahtevani solventnostni kapital, izračunan z notranjim modelom, zagotavlja zavarovalcem, zavarovancem in drugim upravičencem iz zavarovalnih pogodb enako stopnjo varnosti, kot je določeno v 203. členu tega zakona.

(2) Zavarovalnica izračuna zahtevani solventnostni kapital neposredno iz napovedi v obliki verjetnostne porazdelitve, ki jo proizvede notranji model. Za neposreden izračun zahtevanega solventnostnega kapitala uporabi zavarovalnica za mero tvegano vrednost iz petega odstavka 203. člena tega zakona.

(3) Če izračun zahtevanega solventnostnega kapitala v skladu

account diversification effects if an insurance undertaking has established an adequate system used for measuring such effects, and if the Insurance Supervision Agency is convinced that the system used to measure diversification effects is adequate.

(8) Insurance undertakings may take account of the effect of risk-mitigation measures in their internal model, on the condition that credit risks and other risks arising from the use of risk-mitigation techniques are properly reflected in the internal model.

(9) Insurance undertakings shall assess the risks associated with financial guarantees and other benefits arising from insurance contracts taken into account in their internal models. Insurance undertakings shall also assess their buy and sell options. For that purpose, insurance undertakings shall take account of the impact that future changes in financial and non-financial conditions may have on the exercise of those sell and buy options.

(10) Insurance undertakings may in the internal model take account of future actions of the management bodies that they would reasonably expect to carry out in specific circumstances.

Article 227
(Calibration standards)

(1) Insurance undertakings may use a different time period or risk measure than that laid down in paragraphs four and five of Article 203 of this Act for internal modelling purposes. The use of a different time period or risk measure is possible, if the solvency capital requirement calculated with the internal model provides policyholders, insured persons and beneficiaries under insurance contracts with a level of protection equivalent to that laid down in Article 203 of this Act.

(2) Insurance undertakings shall calculate the solvency capital requirement directly from the probability distribution forecast generated by the internal model. For the direct calculation of the solvency capital requirement, the insurance undertaking must use the value-at-risk measure referred to in paragraph five of Article 203 of this Act.

(3) If an insurance undertaking cannot calculate the solvency

z drugim odstavkom tega člena ni možen, lahko Agencija za zavarovalni nadzor zavarovalnici izda dovoljenje za uporabo približkov. Za pridobitev dovoljenja za uporabo približkov za izračun zahtevanega solventnostnega kapitala zavarovalnica Agenciji za zavarovalni nadzor dokaže, da je zavarovalcem, zavarovancem in drugim upravičencem zavarovalnih pogodb ob uporabi približkov zagotovljena enaka stopnja varnosti, kot je določeno v 203. členu tega zakona.

(4) Agencija za zavarovalni nadzor preveri standarde umeritve notranjega modela. Agencija za zavarovalni nadzor lahko preveri standarde umeritve notranjega modela tudi tako, da z odredbo zahteva, da zavarovalnica uporabi notranji model na primernem referenčnem zavarovalnem portfelju in upošteva predpostavke, ki temeljijo na zunanjih ali tržnih podatkih, in ne na podatkih te zavarovalnice.

228. člen
(opredelitev vzrokov in virov dobička oziroma izgube)

(1) Zavarovalnica, ki uporablja notranji model za izračun zahtevanega solventnostnega kapitala, najmanj enkrat letno pregleda vzroke in vire dobička oziroma izgube za vsak večji segment poslovanja.

(2) Zavarovalnica po vsakem pregledu iz prejšnjega odstavka Agenciji za zavarovalni nadzor poroča, kako določitev posameznega tveganja v notranjem modelu pojasnjuje vzroke in vire dobička oziroma izgube.

229. člen
(standardi preverjanja ustreznosti)

(1) Zavarovalnica redno spremlja delovanje notranjega modela, pregleduje ustreznost njegovih sestavin in primerja rezultate notranjega modela z dejanskimi preteklimi izkustvi.

(2) Postopek preverjanja ustreznosti delovanja notranjega modela vključuje tudi uporabo učinkovitih statističnih metod dokazovanja ustreznosti notranjega modela, s katerim zavarovalnica Agenciji za

capital requirement in accordance with paragraph two of this Article, the Insurance Supervision Agency may issue authorisation for the use of approximations to the insurance undertaking. For this authorisation to be granted, the insurance undertaking must demonstrate to the Insurance Supervision Agency that by using approximations policyholders, insured persons and beneficiaries under insurance contracts are provided with a level of protection equivalent to that provided in Article 203 of this Act.

(4) The Insurance Supervision Agency shall verify the calibration standards of the internal model. The Insurance Supervision Agency may also verify the calibration standards of the internal model by requiring by an order that the insurance undertaking runs its internal model on relevant benchmark portfolios and using assumptions based on external or market data rather than internal data of the insurance undertaking.

Article 228
(Determining causes and sources for profit or loss)

(1) An insurance undertaking which uses an internal model to calculate the solvency capital requirement shall review, at least annually, the causes and sources of profits or losses for each major business segment.

(2) The insurance undertaking shall after each review referred to in the preceding paragraph, report to the Insurance Supervision Agency on how the categorisation of risks in the internal model reflects the causes and sources of profits or losses.

Article 229
(Validation standards)

(1) Insurance undertakings shall regularly monitor the performance of the internal model, review the ongoing appropriateness of its specification, and test its results against previous experience.

(2) The model validation process of an internal model shall also include an effective statistical method for validating the internal model which enables the insurance undertaking to demonstrate to the Insurance

zavarovalni nadzor dokazuje, da je z notranjim modelom izračunani zahtevani solventnostni kapital ustrezen. Uporabljene statistične metode prikazujejo, da je napoved v obliki verjetnostne porazdelitve ustrezna glede na pretekla izkustva in glede na nove podatke ter informacije, ki vplivajo na napoved.

(3) Zavarovalnica opravi tudi analizo stabilnosti notranjega modela in še posebej preveri občutljivost rezultatov notranjega modela na spremembe ključnih predpostavk. Analiza notranjega modela vključuje tudi oceno natančnosti, popolnosti in ustreznosti podatkov, ki jih notranji model uporablja.

230. člen
(standardi dokumentiranja)

(1) Zavarovalnica dokumentira in arhivira podrobnosti v zvezi s sestavo in delovanjem svojega notranjega modela.

(2) Dokumentacija iz prejšnjega odstavka:

1. dokazuje skladnost notranjega modela z 225. do 229. členom tega zakona;
2. vsebuje podroben opis teorije, predpostavk ter matematičnih in empiričnih podlag, na katerih temelji notranji model;
3. navaja vse okoliščine, v katerih notranji model ne deluje učinkovito;
4. dokumentira in arhivira vse večje spremembe notranjega modela, kot je določeno v 220. členu tega zakona.

231. člen
(zunanji modeli in podatki)

Uporaba notranjega modela ali podatkov, pridobljenih od tretje osebe, zavarovalnice ne odvezuje od uporabe 225. do 229. člena tega zakona.

4.11. *Zahtevani minimalni kapital*

Supervision Agency that the resulting capital requirements are appropriate. The statistical methods applied shall show the appropriateness of the probability distribution forecast compared to previous experience and to all material new data and information relating thereto.

(3) Insurance undertakings shall also carry out an analysis of the stability of the internal model and in particular the testing of the sensitivity of the results of the internal model to changes in key underlying assumptions. The analysis shall also include an assessment of the accuracy, completeness and appropriateness of the data used by the internal model.

Article 230
(Documentation standards)

(1) Insurance undertakings shall document and archive all details regarding the design and performance of their internal model.

(2) The documentation referred to in the preceding paragraph shall:
1. demonstrate compliance of the internal model with Articles 225 to 229 of this Act;
2. provide a detailed outline of the theory, assumptions and mathematical and empirical bases underlying the internal model;
3. indicate any circumstances under which the internal model does not work effectively;
4. document all major changes to their internal model, as provided by Article 220 of this Act.

Article 231
(External models and data)

The use of an internal model or data obtained from a third party shall not exempt an insurance undertaking from applying Article 225 to 229 of this Act.

4.11. *Minimum capital requirement*

232. člen
(splošna določba)

Vrednost primernih osnovnih lastnih virov sredstev zavarovalniceiz drugega odstavka 200. člena tega zakona je najmanj enaka zahtevanemu minimalnemu kapitalu.

233. člen
(načela zahtevanega minimalnega kapitala)

(1) Zahtevani minimalni kapital je enak znesku primernih osnovnih lastnih virov sredstev, pod katerim bi bili zavarovalci, zavarovanci ali drugi upravičenci zavarovalnih pogodb izpostavljeni nesprejemljivi stopnji tveganja, če se zavarovalnici dovoli nadaljnje poslovanje.

(2) Zahtevani minimalni kapital zavarovalnice ne sme biti nikoli nižji od (absolutni prag):

1. 2.500.000 eurov za zavarovalnice, ki opravljajo posle iz zavarovalne skupine premoženjskih zavarovanj, razen v primeru kritja tveganj iz zavarovalnih vrst 10 do 15, kot so določene v drugem odstavku 7. člena tega zakona, ko znesek ne sme biti nikoli nižji od 3.700.000 eurov;
2. 3.700.000 eurov za zavarovalnice, ki opravljajo posle iz zavarovalne skupine življenjskih zavarovanj;
3. 3.600.000 eurov za pozavarovalnice in zavarovalnice, ki imajo dovoljenje za opravljanje zavarovalnih poslov sklepanja pozavarovanj;
4. vsote zneskov iz 1. in 2. točke tega odstavka za zavarovalnice iz tretjega do petega odstavka 26. člena tega zakona.

234. člen
(izračun zahtevanega minimalnega kapitala)

(1) Zavarovalnica izračuna zahtevani minimalni kapital v skladu z:

Article 232
(General provision)

The value of insurance undertakings' eligible basic own funds referred to in paragraph two of Article 200 of this Act shall be at least equivalent to the minimum capital requirement.

Article 233
(Principles of minimum capital requirement)

(1) Minimum capital requirement shall be equal to an amount of eligible basic own funds below which policyholders, insured persons or other beneficiaries under insurance contracts would be exposed to an unacceptable level of risk if the insurance undertaking was allowed to continue its operations.

(2) The minimum capital requirement of an insurance undertaking must never be lower than (absolute floor):

1. EUR 2,500,000 for insurance undertakings conducting business in the non-life insurance group, except where the risks included in one of the insurance classes 10 to 15 as laid down in paragraph two of Article 7 of this Act are covered, where the amount must never be lower than EUR 3,700,000;
2. EUR 3,700,000 for insurance undertakings conducting business in the life insurance group;
3. EUR 3,600,000 for reinsurance and insurance undertakings which have the authorisation to conduct reinsurance business;
4. the sum of the amounts referred to in points 1 and 2 of this paragraph, for insurance undertakings referred to in paragraphs three to five of Article 26 of this Act.

Article 234
(Calculation of minimum capital requirement)

(1) The minimum capital requirement shall be calculated by the insurance undertaking in accordance with:

- 4.11. oddelkom tega zakona in
- aktom, ki ga izda Evropska komisija na podlagi 130. člena Direktive 2009/138/ES.

(2) Zahtevani minimalni kapital se izračuna na jasen in preprost način in na način, da se zagotovi možnost revizije izračuna.

(3) Zahtevani minimalni kapital se izračuna kot linearna funkcija skupine ali podskupine naslednji spremenljivk:
1. zavarovalno-tehničnih rezervacij,
2. obračunane zavarovalne premije,
3. tveganega kapitala,
4. odloženih davkov in
5. stroškov upravljanja.

(4) Spremenljivke iz prejšnjega odstavka ne upoštevajo pozavarovanja.

(5) Linearna funkcija iz tretjega odstavka tega člena se umeri na tvegano vrednost osnovnih lastnih virov sredstev zavarovalnice s stopnjo zaupanja 85% v obdobju enega leta.

(6) Ne glede na drugi odstavek prejšnjega člena zahtevani minimalni kapital zavarovalnice ne sme biti nižji od 25% ali višji od 45% zahtevanega solventnostnega kapitala zavarovalnice, izračunanega v skladu z 4.10. oddelkom tega zakona, vključno z morebitnim kapitalskim dodatkom iz 309. člena tega zakona.

235. člen
(pogostost izračuna zahtevanega minimalnega kapitala)

(1) Zavarovalnica izračuna zahtevani minimalni kapital najmanj četrtletno in o izračunu poroča Agenciji za zavarovalni nadzor.

(2) Za namen izračuna mejnih vrednosti iz šestega odstavka prejšnjega člena zavarovalnicam ni treba izračunavati zahtevanega solventnostnega kapitala za vsako četrtletje.

- Section 4.11 of this Act and
- the act issued by the European Commission pursuant to Article 130 of Directive 2009/138/EC.

(2) The minimum capital requirement shall be calculated in a clear and simple manner, and in such a way as to ensure that the calculation can be audited.

(3) The minimum capital requirement shall be calculated as a linear function of a group or sub-group of the following variables:
1. technical provisions,
2. written insurance premiums,
3. risk capital,
4. deferred tax and
5. management costs.

(4) The variables referred to in the preceding paragraph shall not take into account reinsurance.

(5) The linear function referred to in paragraph three of this Article shall be calibrated to the value-at-risk of the basic own funds of the insurance undertaking subject to a confidence level of 85% over a one-year period.

(6) Notwithstanding paragraph two of the preceding Article, the minimum capital requirement must not be lower than 25% or higher than 45% of the insurance undertaking's solvency capital requirement, calculated in accordance with Section 4.10 of this Act, including any potential capital add-on referred to in Article 309 of this Act.

Article 235
(Frequency of calculation of minimum capital requirement)

(1) Insurance undertakings shall calculate the minimum capital requirement at least quarterly and report the results of that calculation to the Insurance Supervisory Agency.

(2) For the purposes of calculating the limit values referred to in paragraph six of the preceding Article, insurance undertakings shall not be required to calculate the solvency capital requirement on a quarterly basis.

(3) Če zahtevani minimalni kapital doseže katero od mejnih vrednosti iz šestega odstavka prejšnjega člena, zavarovalnica to sporoči Agenciji za zavarovalni nadzor in ustrezno pojasni razloge za to.

4.12. *Naložbe*

236. člen
(naložbe zavarovalnice)

(1) Zavarovalnica nalaga vsa svoja sredstva v skladu z:

- 4.12. oddelkom tega zakona in
- akti, ki jih izda Evropska komisija na podlagi prvega odstavka in a) in b) točk drugega odstavka 135. člena Direktive 2009/138/ES.

(2) Zavarovalnica vsa sredstva nalaga samo v sredstva in finančne instrumente, katerih tveganja lahko primerno opredeli, meri, spremlja, upravlja, nadzira in o njih poroča ter ustrezno upošteva v svoji oceni solventnostnih potreb iz 1. točke drugega odstavka 156. člena tega zakona.

(3) Zavarovalnica vsa sredstva, še posebno sredstva, ki krijejo zahtevani minimalni kapital in zahtevani solventnostni kapital, nalaga na način, ki zagotavlja varnost, kakovost, likvidnost in donosnost njenega celotnega portfelja. Poleg tega zavarovalnica izvede lokalizacijo sredstev tako, da zagotovi njihovo razpoložljivost.

237. člen
(dodatna pravila v zvezi z naložbami zavarovalnice)

(1) Zavarovalnica lahko nalaga sredstva v izvedene finančne instrumente samo, če ti instrumenti prispevajo k zmanjšanju tveganj ali olajšajo učinkovito upravljanje portfelja.

(2) Zavarovalnica naložbe in sredstva, s katerimi se ne trguje

(3) If the minimum capital requirement reaches any of the limit values referred to in paragraph six of the preceding Article, the undertaking shall report this to the Insurance Supervisory Agency and properly explain the reasons for this.

4.12. *Investments*

Article 236
(Investments of an insurance undertaking)

(1) Insurance undertakings shall invest all their assets in accordance with:

- Section 4.12 of this Act and
- the acts issued by the European Commission pursuant to Article 135(1) and (2)(a) and (b) of Directive 2009/138/EC.

(2) Insurance undertakings shall only invest in assets and financial instruments whose risks it can properly identify, measure, monitor, manage, control and report, and appropriately take into account in the assessment of its overall solvency needs referred to in point 1 of paragraph two of Article 156 of this Act.

(3) Insurance undertakings shall invest all assets, in particular those covering the minimum capital requirement and the solvency capital requirement, in such a manner as to ensure the security, quality, liquidity and profitability of their portfolio as a whole. In addition the localisation of those assets shall be carried out by the insurance undertaking in such a way as to ensure their availability.

Article 237
(Additional rules on investments of insurance undertaking)

(1) An insurance undertaking may only invest assets in financial derivative instruments, if they contribute to a reduction of risks or facilitate efficient portfolio management.

(2) Insurance undertakings shall keep investments and assets

na organiziranem trgu, zadrži na preudarni ravni.

(3) Zavarovalnica sredstva ustrezno razprši tako, da prepreči pretirano odvisnost od posamezne vrste naložb, posameznega izdajatelja, skupine družb, geografskega območja in pretirano kopičenje tveganj v portfelju kot celoti.

(4) Naložbe zavarovalnice v sredstva, ki jih izda isti izdajatelj ali izdajatelji, ki pripadajo isti skupini, ne smejo izpostaviti zavarovalnice pretirani koncentraciji tveganj.

(5) Dodatna pravila v zvezi z naložbami zavarovalnice iz tega člena se ne uporabljajo za naložbe iz drugega, tretjega in četrtega odstavka 239. člena tega zakona, razen v primeru, določenem v petem odstavku 239. člena tega zakona.

238. člen
(naložbe, ki krijejo zavarovalno-tehnične rezervacije)

(1) Zavarovalnica pri naložbah sredstev, ki so namenjene kritju bodočih obveznosti iz premoženjskih in življenjskih zavarovanj, v zvezi s katerimi je dolžna oblikovati zavarovalno-tehnične rezervacije, poleg 236. in 237. člena tega zakona upošteva tudi ta člen.

(2) Višina sredstev, ki so namenjena kritju bodočih obveznosti iz premoženjskih zavarovanj, v zvezi s katerimi zavarovalnica oblikuje zavarovalno-tehnične rezervacije, je najmanj enaka višini zavarovalno-tehničnih rezervacij.

(3) Višina sredstev, ki so namenjena kritju bodočih obveznosti iz življenjskih zavarovanj, v zvezi s katerimi zavarovalnica oblikuje zavarovalno-tehnične rezervacije, je najmanj enaka višini zavarovalno-tehničnih rezervacij.

(4) Zavarovalnica sredstva iz prvega odstavka tega člena nalaga tudi na način, ki ustreza naravi in trajanju zavarovalnih in pozavarovalnih obveznosti ter je v čim boljšem interesu vseh zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih

which are not admitted to trading on a regulated financial market, to prudent levels.

(3) Insurance undertakings shall properly diversify assets in such a way as to avoid excessive reliance on any particular asset, issuer or group of undertakings, or geographical area and excessive accumulation of risk in the portfolio as a whole.

(4) Insurance undertakings' investments in assets issued by the same issuer, or by issuers belonging to the same group, shall not expose the insurance undertaking to excessive risk concentration.

(5) Additional rules on the investments of an insurance undertaking referred to in this Article shall not apply to investments referred to in paragraphs two, three and four of Article 239 of this Act, except in the case laid down in paragraph five of Article 239 of this Act.

Article 238
(Investments covering technical provisions)

(1) Insurance undertakings shall also take into account this Article when investing assets intended to cover future obligations arising from non-life and life insurance regarding which an insurance undertaking is obliged to establish technical provisions, in addition to Articles 236 and 237 of this Act.

(2) The amount of assets intended to cover future obligations arising from non-life insurance in respect of which an insurance undertaking establishes technical provisions shall be at least equal to the amount of technical provisions.

(3) The amount of assets intended to cover future obligations arising from life insurance in respect of which an insurance undertaking establishes technical provisions shall be at least equal to the amount of technical provisions.

(4) Insurance undertakings shall invest assets referred to in paragraph one of this Article also in a manner which corresponds to the nature and duration of insurance and reinsurance obligations and is in the best interest of all policyholders, insured persons and other beneficiaries

pogodb ob upoštevanju vseh razkritih ciljev iz zavarovalnih pogodb. V primeru konflikta interesov zavarovalnica oziroma oseba, ki upravlja portfelj sredstev zavarovalcev oziroma zavarovancev oziroma drugih upravičencev iz zavarovalnih pogodb, zagotovi, da je naložba opravljena v interesu zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

(5) Če je na sredstvu vpisana obremenitev v korist tretje osebe, naložba v to sredstvo ni primerna za kritje zavarovalno-tehničnih rezervacij.

239. člen
(posebne določbe za zavarovanja, pri katerih zavarovalec prevzema naložbeno tveganje)

(1) Ne glede na drugi in tretji odstavek 236. in 238. člena tega zakona se za naložbe sredstev zavarovalnice v zvezi s pogodbami o življenjskem zavarovanju, pri katerih naložbeno tveganje nosijo zavarovalci, uporabljajo določbe tega člena.

(2) Kadar so upravičenja iz naslova zavarovalnih pogodb neposredno povezana z vrednostjo enot premoženja KNPVP skladov, naložbe iz naslova teh zavarovalnih pogodb v največji možni meri obsegajo naložbe v enote premoženja teh skladov. Zavarovalno-tehnične rezervacije v zvezi s temi upravičenji so vezane na enote premoženja teh KNPVP skladov.

(3) Zavarovalnica vzpostavi notranji sklad, kadar so upravičenja iz zavarovalnih pogodb neposredno povezana z vrednostjo premoženja tega sklada. Sredstva, namenjena kritju obveznosti iz teh pogodb, so kolikor je mogoče naložena v sredstva, opredeljena v teh zavarovalnih pogodbah. Zavarovalno-tehnične rezervacije v zvezi z upravičenji iz teh zavarovalnih pogodb so vezane na enote notranjega sklada oziroma, kadar notranji sklad ni razdeljen na enote, na sredstva v tem skladu.

(4) Kadar so upravičenja iz naslova zavarovalnih pogodb neposredno povezana z vrednostjo indeksa vrednostnih papirjev ali z drugo referenčno vrednostjo, razen tistih iz drugega in tretjega odstavka

under insurance contracts, taking into account all disclosed objectives from the insurance contracts. In the event of a conflict of interest, the insurance undertaking or the person which manages the portfolio of assets of policyholders or insured persons or other beneficiaries under insurance contracts shall ensure that the investment is made in the best interests of policyholders, insured persons and other beneficiaries under insurance contracts.

(5) If an asset is encumbered for the benefit of a third party, the investment in such an asset is not deemed appropriate to cover technical provisions.

Article 239
(Special provisions for insurance business where policyholders assume investment risk)

(1) Notwithstanding paragraphs two and three of Articles 236 and 238 of this Act, the provisions of this Article shall apply to investments of assets of an insurance undertaking in respect of life insurance contracts where the investment risk is borne by the policyholders.

(2) Where benefits arising from insurance contracts are directly linked to the value of units in UCITS funds, investments under such insurance contracts shall include investments in fund units of such funds to the maximum extent possible. Technical provisions regarding such bonuses shall be bound by the fund units of UCITS funds.

(3) An insurance undertaking shall establish an internal fund where the benefits from insurance contracts are directly related to the value of the assets of that fund. The funds intended to cover the obligations arising from these contracts shall, as far as possible, be invested in the assets defined in these insurance contracts. The technical provisions in respect of the benefits from these insurance contracts are linked to the units of the internal fund or, where the internal fund is not divided into units, to the assets in that fund.

(4) Where benefits arising from insurance contracts are directly linked to a share index or some other reference value other than those referred to in paragraphs two and three of this Article, investments in

tega člena, naložbe iz naslova teh zavarovalnih pogodb v največji možni meri obsegajo enote, za katere se šteje, da predstavljajo indeks vrednostnih papirjev ali drugo referenčno vrednost, ki temelji na naložbah ustrezne varnosti in tržnosti. Če takšne enote niso oblikovane, so naložbe v zvezi s temi zavarovalnimi pogodbami ustrezne varnosti in tržnosti in v največji možni meri ustrezajo naložbam, na katerih temelji referenčna vrednost. Zavarovalno-tehnične rezervacije v zvezi s temi upravičenji so vezane na enote, za katere se šteje, da predstavljajo referenčno vrednost, ali v primeru, ko enote niso oblikovane, na sredstva ustrezne varnosti in tržnosti, ki v največji možni meri ustrezajo naložbam, na katerih temelji referenčna vrednost.

(5) Kadar zavarovalne pogodbe iz drugega, tretjega in četrtega odstavka tega člena vključujejo tudi zajamčen donos na vložena sredstva ali druga zajamčena izplačila zavarovancem, zavarovalcem ali drugim upravičencem, se za naložbe, ki krijejo ustrezne dodatne zavarovalno-tehnične rezervacije za zajamčen donos na vložena sredstva ali za druga zajamčena izplačila, uporablja 237. člen tega zakona.

(6) Zavarovalnica za račun notranjega sklada iz tretjega odstavka tega člena s skrbnikom sklene pogodbo o opravljanju skrbniških storitev za notranji sklad in zagotovi ločitev premoženja notranjega sklada od premoženja zavarovalnice in drugega premoženja, ki ga zavarovalnica upravlja, kakor tudi od premoženja upravljalca notranjega sklada in od drugega premoženja, ki ga upravljalec notranjega sklada upravlja, kadar zavarovalnica upravljanje notranjega sklada prenese na drugo osebo. Zavarovalnica izračunava in objavlja čisto vrednost sredstev notranjega sklada in vrednost enote notranjega sklada, kadar je notranji sklad razdeljen na enote. Za skrbniške storitve v zvezi z upravljanjem notranjega sklada se smiselno uporabljajo določbe zakona, ki ureja investicijske sklade in družbe za upravljanje, ki veljajo za opravljanje skrbniških storitev za vzajemni sklad, razen, če je s predpisom iz sedmega odstavka tega člena določeno drugače.

(7) Agencija za zavarovalni nadzor predpiše:

1. podrobnejša pravila glede skrbniških storitev za notranji sklad;
2. podrobnejša pravila glede ločitve premoženja notranjega sklada in glede vrste poslov, katerih upravljalec notranjega sklada ne sme

respect of those insurance contracts shall be represented as closely as possible either by the units deemed to represent the share index or the reference value based on assets of appropriate security and marketability. If such units have not been established, investments regarding such insurance contracts shall be of appropriate security and marketability, and correspond as closely as possible to investments on which the particular reference value is based. Technical provisions regarding these benefits shall be bound by units deemed to represent the reference value, or if units are not established, by assets of appropriate security and marketability which correspond as closely as possible to investments on which the particular reference value is based.

(5) Where the insurance contracts referred to in paragraphs two, three and four of this Article include a guaranteed return on invested assets or other guaranteed payments to policyholders, insured persons or other beneficiaries, Article 237 of this Act shall apply to investments covering the corresponding additional technical provisions for a guaranteed return on invested assets or other guaranteed payments.

(6) The insurance undertaking shall for the account of the internal fund referred to in paragraph three of this Article, conclude a contract to provide custody services with a custodian for the internal fund, and ensure that the property of the internal fund is separated from the property of the insurance undertaking and other property managed by the insurance undertaking, as well as from the property of the manager of the internal fund and other property managed by the manager of the internal fund when the insurance undertaking transfers the management of the internal fund to another person. The insurance undertaking shall calculate and publish the net asset value of the internal fund and the value per unit of the internal fund when the internal fund is divided into units. The provisions of the Act governing investment funds and asset management companies which apply to the provision of custody services for mutual funds, unless otherwise provided by the regulation referred to in paragraph seven of this Article, shall apply, *mutatis mutandis*, to custody services regarding the management of the internal fund.

(7) The Insurance Supervision Agency shall prescribe the following:

1. detailed rules regarding custody services for the internal fund;
2. detailed rules regarding the separation of the property of the internal fund and regarding the type of business which cannot be concluded

sklepati za račun notranjega sklada (prepovedani posli z določenimi osebami);
3. način izračuna čiste vrednosti sredstev notranjega sklada in vrednosti enote notranjega sklada, kadar je notranji sklad razdeljen na enote, ter vsebina, način in roke za objavo čiste vrednosti sredstev notranjega sklada oziroma vrednosti enote notranjega sklada, kadar je notranji sklad razdeljen na enote.

240. člen
(registri sredstev)

(1) Zavarovalnica vodi register sredstev, ki krijejo zavarovalno-tehnične rezervacije.

(2) Zavarovalnica, ki opravlja zavarovalne posle v zavarovalnih skupinah življenjskih in premoženjskih zavarovanj, ločeno vodi register sredstev premoženjskih zavarovanj, ki krijejo zavarovalno-tehnične rezervacije iz zavarovalnih pogodb iz skupine premoženjskih zavarovanj, in register sredstev življenjskih zavarovanj, ki krijejo zavarovalno-tehnične rezervacije iz zavarovalnih pogodb iz skupine življenjskih zavarovanj.

(3) Zavarovalnica določi pravila, v skladu s katerimi vodi registre sredstev iz tega člena.

4.13. *Omejeni skladi*

241. člen
(splošna določba)

(1) Omejeni sklad v zavarovalnici obstoji, če zakon, zavarovalni pogoji, druge pravne podlage ali pravila poslovanja zavarovalnice določajo, da so sredstva iz naslova določenega dela poslov, ki jih opravlja zavarovalnica, ter tveganj, ki izvirajo iz teh poslov, omejena tako, da jih zavarovalnica lahko uporabi samo za izpolnitev obveznosti ali pokrivanje tveganj, ki izhajajo iz teh poslov (v nadaljnjem besedilu: sredstva omejenega sklada). Zavarovalnica sredstev omejenega sklada in lastnih virov sredstev omejenega sklada (v nadaljnjem besedilu: omejeni lastni viri sredstev) ne sme uporabiti za izpolnitev obveznosti ali pokrivanje

for the account of the internal fund by the manager of the internal fund (prohibited business with certain persons);
3. the manner of calculating the net asset value of the internal fund and the value per unit of the internal fund when the internal fund is divided into units, and the content, manner and deadlines for publishing the net asset value of the internal fund or value per unit of the internal fund when the internal fund is divided into units.

Article 240
(Registers of assets)

(1) Insurance undertakings shall keep a register of assets which cover technical provisions.

(2) An insurance undertaking which conducts insurance business in the life insurance group and in the non-life insurance group shall keep a separate register of assets for non-life insurance which covers technical provisions under insurance contracts in the non-life insurance group, and the register of assets for life insurance which covers technical provisions under insurance contracts in the life insurance group.

(3) The insurance undertaking shall determine the rules under which it keeps its registers of assets referred to in this Article.

4.13. *Ring-fenced funds*

Article 241
(General provision)

(1) A ring-fenced fund exists in an insurance undertaking if an Act, insurance conditions, other legal grounds or business rules of the insurance undertaking determine that the assets generated from a certain part of business conducted by the insurance undertaking and the risks arising from such business are limited in such a way that the insurance undertaking may use them only to meet obligations or cover the risks arising from such business (hereinafter: assets of a ring-fenced fund). The insurance undertaking must not use the assets of a ring-fenced fund and own funds of a ring-fenced fund (hereinafter: limited own funds) to meet

tveganj iz drugih poslov.

(2) Če ima zavarovalnica omejeni sklad, prilagodi lastne vire sredstev zavarovalnice na način, kot določa 201. člen tega zakona, in izračuna zahtevani solventnostni kapital omejenega sklada (v nadaljnjem besedilu: teoretični zahtevani solventnostni kapital) na način, kot določa drugi odstavek 203. člena tega zakona.

(3) Zavarovalnica s sredstvi omejenega sklada upravlja ločeno na način, da zagotovi, da bo sposobna izpolniti svoje obveznosti, ki v zvezi s temi sredstvi izhajajo iz zakona, zavarovalnih pogojev, drugih pravnih podlag in pravil poslovanja zavarovalnice.

4.14. *Dodatna pravila glede upravljanja tveganj*

242. člen
(dolžnost pozavarovanja)

Zavarovalnica s pozavarovanjem krije tisti del v zavarovanje prevzetih nevarnosti, ki po tabelah maksimalnega kritja presegajo lastne deleže v izravnavanju nevarnosti.

243. člen
(program načrtovanega pozavarovanja)

(1) Zavarovalnica za vsako poslovno leto sprejme program načrtovanega pozavarovanja.

(2) Program načrtovanega pozavarovanja obsega:
1. izračunane lastne deleže za posamezno homogeno skupino tveganj, vendar ne manj kot po vrstah poslovanja,
2. tabelo maksimalnega kritja, izdelano na podlagi izračunov iz prejšnje točke,
3. postopke, osnove in merila za ugotavljanje največje verjetne škode za posamezne nevarnosti, prevzete v zavarovanje.

(3) Pri izračunih lastnih deležev posamezne homogene skupine tveganj iz 1. točke prejšnjega odstavka zavarovalnica upošteva zlasti:

obligations or cover the risks arising from other types of business.

(2) If an insurance undertaking has a ring-fenced fund, it shall adjust own funds of the insurance undertaking in the manner as laid down in Article 201 of this Act, and calculate the solvency capital requirement of the ring-fenced fund (hereinafter: notional solvency capital requirement) in the manner as laid down in paragraph two of Article 203 of this Act.

(3) The insurance undertaking shall manage the assets of a ring-fenced fund separately, so that it is able to fulfil its obligations regarding those assets which arise from the law, insurance conditions, other legal bases and business rules of the insurance undertaking.

4.14. *Additional risk management rules*

Article 242
(Reinsurance duty)

Insurance undertakings shall use reinsurance to cover the part of the assumed risks that, according to the maximum coverage tables, exceed own shares in equalising risks.

Article 243
(Programme of planned reinsurance)

(1) Insurance undertakings shall adopt a programme of planned reinsurance for each business year.

(2) The programme of planned reinsurance shall consist of:
1. calculated own shares for individual homogeneous risk groups, however not less than by types of business,
2. a table of maximum coverage prepared on the basis of the calculations referred to in the preceding point,
3. procedures, grounds and criteria for determining the maximum loss probability for individual underwritten risks.

(3) For the calculation of own shares in the individual homogeneous risk groups referred to in point 1 of the preceding

1. lastno oceno tveganj in solventnosti v povezavi s kapitalskimi zahtevami in zneskom lastnega kapitala,
2. skupni poslovni obseg,
3. obračunane zavarovalne premije in oblikovane zavarovalno-tehnične rezervacije,
4. deleže zavarovanj homogene skupine tveganj v osnovah iz 2. in 3. točke tega odstavka,
5. popravke zaradi spremenljivosti homogene skupine tveganj.

244. člen
(upravljanje likvidnostnega tveganja)

(1) Zavarovalnica gospodari z viri in naložbami tako, da je v vsakem trenutku sposobna izpolniti vse svoje dospele obveznosti.

(2) Politika upravljanja likvidnosti obsega:
1. načrtovanje pričakovanih znanih in morebitnih denarnih odtokov in zadostnih denarnih pritokov zanje ob upoštevanju poslovanja v normalnih okoliščinah in v okoliščinah likvidnostnih kriz,
2. redno spremljanje in upravljanje likvidnosti,
3. opredelitev ustreznih ukrepov za preprečitev oziroma odpravo vzrokov za nastop nelikvidnosti in opredelitev drugih možnosti za take ukrepe.

(3) Zavarovalnica redno spremlja likvidnost in preverja pravilnost in ustreznost predpostavk, ki so bile uporabljene pri določitvi politike upravljanja likvidnosti.

245. člen
(upravljanje operativnega tveganja)

(1) Zavarovalnica oblikuje in izvaja ustrezno politiko in procese za ocenjevanje in upravljanje operativnega tveganja, ki vključujejo tudi opis pristopov k obravnavi redkih, vendar zelo resnih dogodkov, ki pomenijo pomembno operativno tveganje.

(2) Za namen ustreznega oblikovanja in izvajanja politike in

paragraph, the insurance undertaking shall particularly take account of:
1. its own risk and solvency assessment in connection with the capital requirements and the amount of own capital,
2. overall volume of business,
3. written insurance premiums and established technical provisions,
4. shares of insurance in the homogeneous risk groups on the basis referred to in points 2 and 3 of this paragraph,
5. adjustments due to the volatility in the homogeneous risk groups.

Article 244
(Management of liquidity risks)

(1) Insurance undertakings shall manage their sources and investments in such a manner that they can meet all due obligations at any time.

(2) The liquidity management policy shall consist of:
1. the projection of expected known and potential outgoing cash flows, and sufficient incoming cash flows taking into account the conducting of business in normal and liquidity-critical circumstances,
2. regular monitoring and management of liquidity,
3. identification of eligible measures to prevent or remedy the causes of illiquidity, and identify other possibilities for such measures.

(3) Insurance undertakings shall regularly monitor their liquidity, and verify the correctness and appropriateness of assumptions underlying the determination of the liquidity management policy.

Article 245
(Operational risk management)

(1) Insurance undertakings shall prepare and implement a suitable policy and processes to assess and manage the operational risk, including detailed approaches to the treatment of rare but serious events which represent significant operational risk.

(2) To suitably establish and implement the policy and

procesov iz prejšnjega odstavka zavarovalnica določno in podrobno opredeli dejavnike operativnega tveganja, ki jim je ali bi jim lahko bila izpostavljena.

246. člen
(zavarovalni statistični standardi)

(1) Zavarovalnica pri statističnih obdelavah sklenjenih zavarovanj, nevarnosti, ki jih krijejo zavarovanja, zavarovalnih primerov in škod uporablja zavarovalne statistične standarde.

(2) Zavarovalne statistične standarde sprejme Slovensko zavarovalno združenje s predhodnim soglasjem Agencije za zavarovalni nadzor.

247. člen
(ugotavljanje in obveščanje o poslabšanju finančnega položaja zavarovalnice)

(1) Zavarovalnica vzpostavi mehanizme za ugotavljanje poslabšanja svojega finančnega položaja.

(2) O poslabšanju svojega finančnega položaja zavarovalnica nemudoma oziroma najpozneje v treh delovnih dneh od ugotovitve poslabšanja svojega finančnega položaja obvesti Agencijo za zavarovalni nadzor.

248. člen
(prepoved izplačila dobička)

(1) Zavarovalnica ne sme izplačati dobička niti v obliki vmesne dividende oziroma dividende niti v obliki izplačila iz naslova udeležbe pri dobičku uprave družbe, nadzornega sveta oziroma zaposlenih v naslednjih primerih:

1. če so primerni lastni viri sredstev zavarovalnice manjši od zahtevanega solventnostnega kapitala ali če bi se primerni lastni viri sredstev zavarovalnice zaradi izplačila dobička zmanjšali tako, da ne bi več dosegali zahtevanega solventnostnega kapitala;

processes referred to in the preceding paragraph, the insurance undertaking shall precisely and thoroughly define the operational risk factors to which it is or may be exposed.

Article 246
(Insurance statistical standards)

(1) Insurance undertakings shall for the statistical treatment of concluded insurance, risks covered by insurance, insurance cases and damages, use insurance statistical standards.

(2) Insurance statistical standards shall be adopted by the Slovenian Insurance Association with the prior consent of the Insurance Supervision Agency.

Article 247
(Identification and notification of deteriorating financial condition of an insurance undertaking)

(1) Insurance undertakings shall have mechanisms in place to identify their deteriorating financial condition.

(2) An insurance undertaking shall notify the Insurance Supervision Agency of a deterioration in its financial condition promptly or within three business days of identifying such deterioration at the latest.

Article 248
(Prohibition of payment of profit)

(1) Insurance undertakings must not pay out profits, even as an interim dividend or a dividend or in the form of a payment deriving from participation in profit by the management board, the supervisory board or employees of the insurance undertaking in the following cases:

1. if the eligible own funds of the insurance undertaking are below the solvency capital requirement or if the eligible own funds of the insurance undertaking would diminish to the point where they would no longer comply with the solvency capital requirement due to the

2. če so primerni osnovni lastni viri sredstev zavarovalnice manjši od zahtevanega minimalnega kapitala ali če bi se primerni osnovni lastni viri sredstev zavarovalnice zaradi izplačila dobička zmanjšali tako, da ne bi več dosegali zahtevanega minimalnega kapitala;

3. če zavarovalnica ne zagotavlja ustrezne likvidnosti ali če zavarovalnica zaradi izplačila dobička ne bi več zagotavljala ustrezne likvidnosti;
4. če je Agencija za zavarovalni nadzor zavarovalnici odredila odpravo kršitev v zvezi z napačnim izkazovanjem aktivnih oziroma pasivnih bilančnih oziroma zunajbilančnih postavk, katerih pravilno izkazovanje bi lahko pomembneje vplivalo na izkaz poslovnega izida zavarovalnice.

(2) Prepoved iz prejšnjega odstavka velja:

1. v primeru iz 1. točke: dokler zavarovalnica ne zagotovi ustrezne višine primernih lastnih virov sredstev,
2. v primeru iz 2. točke: dokler zavarovalnica ne zagotovi ustrezne višine primernih osnovnih lastnih virov sredstev,
3. v primeru iz 3. točke: dokler zavarovalnica ne zagotovi ustreznega likvidnostnega položaja,
4. v primeru iz 4. točke: dokler zavarovalnica ne zagotovi pravilnega izkazovanja postavk, razen če na podlagi pravilnega izkazovanja nastopi razlog za prepoved iz 1. ali 2. točke prejšnjega odstavka.

249. člen
(ukrepi za zagotovitev zahtevanega solventnostnega kapitala)

(1) Zavarovalnica nemudoma oziroma najpozneje v treh delovnih dneh od ugotovitve neskladnosti obvesti Agencijo za zavarovalni nadzor, da primerni lastni viri sredstev ne krijejo več zahtevanega solventnostnega kapitala, ali če pričakuje neskladnost primernih lastnih virov sredstev z zahtevanim solventnostnim kapitalom v naslednjih treh mesecih.

(2) V primeru neskladnosti iz prejšnjega odstavka uprava zavarovalnice nemudoma sprejme tiste ukrepe za zagotovitev

payment of profit;
2. if the eligible basic own funds of the insurance undertaking are below the minimum capital requirement or if eligible basic own funds of the insurance undertaking would diminish to the point where they would no longer comply with the minimum capital requirement due to the payment of profit;
3. if the insurance undertaking does not provide sufficient liquidity or if the payment of profit would mean that the insurance undertaking would no longer provide sufficient liquidity;
4. if the Insurance Supervision Agency has ordered the insurance undertaking to eliminate violations relating to false disclosure of items of assets or liabilities in the balance sheet or off-balance-sheet-items whose proper disclosure could significantly affect the insurance undertaking's profit and loss statement.

(2) The prohibition referred to in the preceding paragraph shall apply:

1. in the case referred to in point 1: until the insurance undertaking ensures a sufficient level of eligible own funds,
2. in the case referred to in point 2: until the insurance undertaking ensures a sufficient level of eligible basic own funds,
3. in the case referred to in point 3: until the insurance undertaking ensures a sufficient liquidity position,
4. in the case referred to in point 4: until the insurance undertaking ensures proper disclosure of items, unless a reason arises on the basis of correct disclosure, for the prohibition referred to in point 1 or 2 of the preceding paragraph.

Article 249
(Measures to comply with the solvency capital requirement)

(1) Insurance undertakings shall immediately or at the latest within three business days of establishing non-compliance inform the Insurance Supervision Agency that their eligible own funds no longer cover the solvency capital requirement, or if they expect non-compliance between eligible own funds and the solvency capital requirement in the next three months.

(2) In the event of the non-compliance referred to in the preceding paragraph, the management board of the insurance

zahtevanega solventnostnega kapitala, za katere je pristojna sama, oziroma izdela predlog tistih ukrepov, za katere so pristojni drugi organi.

(3) V dveh mesecih od ugotovitve neskladnosti iz prvega odstavka tega člena zavarovalnica predloži Agenciji za zavarovalni nadzor v odobritev realni sanacijski načrt za vzpostavitev skladnosti primernih lastnih virov sredstev in zahtevanega solventnostnega kapitala.

(4) Agencija za zavarovalni nadzor od zavarovalnice zahteva, da sprejme ukrepe, ki bodo odpravili neskladnosti iz prvega odstavka tega člena v šestih mesecih od ugotovitve neskladnosti med primernimi lastnimi viri sredstev in zahtevanim solventnostnim kapitalom, pri čemer lahko Agencija za zavarovalni nadzor v posebnih okoliščinah podaljša rok za zagotovitev zahtevanega solventnostnega kapitala še za dodatne tri mesece, na način, da:

1. poveča vrednost primernih lastnih virov sredstev najmanj na višino zahtevanega solventnostnega kapitala,
2. zmanjša tveganja, tako da zagotovi skladnost primernih lastnih virov sredstev z zahtevanim solventnostnim kapitalom.

(5) Ko ena ali več zavarovalnic ne izpolnjujejo zahtevanega solventnostnega kapitala in je takšno neizpolnjevanje posledica nepredvidenega, strmega in ostrega padca na finančnih trgih, Agencija za zavarovalni nadzor zaprosi EIOPO, da ta v skladu z 18. členom Uredbe 1094/2010 odloči o obstoju izjemnih padcev na finančnih trgih.

(6) V primeru odločitve EIOPA, da na finančnih trgih obstaja izjemen padec, Agencija za zavarovalni nadzor ob upoštevanju okoliščin ustrezno podaljša rok, določen v četrtem odstavku tega člena. Podaljšanje roka je v skladu z aktom, ki ga izda Evropska komisija na podlagi 143. člena Direktive 2009/138/ES.

(7) V primeru podaljšanja roka iz prejšnjega odstavka zavarovalnica vsake tri mesece Agenciji za zavarovalni nadzor predloži poročilo o napredku pri vzpostavljanju oziroma zagotovitvi zahtevanega solventnostnega kapitala.

undertaking shall immediately undertake measures to ensure compliance with the solvency capital requirement which are within its competence, or propose such measures for which other bodies are competent.

(3) Within two months of establishing the non-compliance referred to in paragraph one of this Article the insurance undertaking shall submit a realistic recovery plan to re-establish compliance between eligible own funds and the solvency capital requirement for approval to the Insurance Supervision Agency.

(4) The Insurance Supervision Agency shall require the insurance undertaking to take the necessary measures to eliminate the non-compliance referred to in paragraph one of this Article within six months of establishing non-compliance between its eligible own funds and the solvency capital requirement, whereby the Insurance Supervision Agency may, in special circumstances, extend the deadline for the re-establishment of solvency capital requirement by an additional three months, in the following manner:

1. increase the value of its eligible own funds at least to the level of the solvency capital requirement,
2. reduce risks by ensuring compliance between its eligible own funds and the solvency capital requirement.

(5) Where one or more insurance undertakings do not comply with the solvency capital requirement, and such non-compliance is the result of an unforeseen, sharp and steep fall in financial markets, the Insurance Supervision Agency shall request EIOPA to decide on the existence of exceptional falls in financial markets pursuant to Article 18 of Regulation 1094/2010.

(6) If EIOPA decides that an extreme fall in financial markets exists, the Insurance Supervision Agency shall by taking into account the circumstances appropriately extend the deadline as laid down by paragraph four of this Article. The extension of the deadline shall be in accordance with the act issued by the European Commission pursuant to Article 143 of Directive 2009/138/EC.

(7) In case of an extension of the deadline referred to in the preceding paragraph, the insurance undertaking shall submit, every three months, a progress report on re-establishing or complying with the solvency capital requirement to the Insurance Supervision Agency.

(8) Če Agencija za zavarovalni nadzor iz poročila o napredku ugotovi, da ni pomembnejšega izboljšanja v smislu zagotavljanja zahtevanega solventnostnega kapitala, Agencija za zavarovalni nadzor prekliče podaljšanje roka za vzpostavitev skladnosti med primernimi lastnimi viri sredstev in zahtevanim solventnostnim kapitalom iz četrtega odstavka tega člena.

(9) Ko Agencija za zavarovalni nadzor meni, da izjemni padci na finančnih trgih ne obstajajo več, o tem obvesti EIOPA.

(10) Agencija za zavarovalni nadzor prepove ali omeji razpolaganje s sredstvi zavarovalnice, če primerni lastni viri sredstev ne krijejo več zahtevanega solventnostnega kapitala, ali če pričakuje neskladnost primernih lastnih virov sredstev z zahtevanim solventnostnim kapitalom v naslednjih treh mesecih in če hkrati meni, da se bo finančno stanje zavarovalnice še poslabševalo. Agencija za zavarovalni nadzor o tem obvesti nadzorne organe držav članic, kjer zavarovalnica neposredno ali prek podružnice opravlja zavarovalne posle. Nadzorni organi držav članic na prošnjo Agencije za zavarovalni nadzor sprejmejo enake ukrepe. Agencija za zavarovalni nadzor določi sredstva, ki so predmet ukrepov.

250. člen
(ukrepi za zagotovitev zahtevanega minimalnega kapitala)

(1) Zavarovalnica nemudoma oziroma najpozneje v treh delovnih dneh od ugotovitve neskladnosti obvesti Agencijo za zavarovalni nadzor, da primerni osnovni lastni viri sredstev ne krijejo več zahtevanega minimalnega kapitala, ali če pričakuje neskladnost primernih osnovnih lastnih virov sredstev z zahtevanim minimalnim kapitalom v naslednjih treh mesecih.

(2) V primeru neskladnosti iz prejšnjega odstavka uprava zavarovalnice nemudoma sprejme tiste ukrepe za zagotovitev zahtevanega minimalnega kapitala, za katere je pristojna sama, oziroma izdela predlog tistih ukrepov, za katere so pristojni drugi organi.

(8) The extension of the deadline to establish compliance between eligible own funds and the solvency capital requirement referred to in paragraph four of this Article shall be revoked by the Insurance Supervision Agency, if it is evident from the progress report that there was no significant progress in achieving the re-establishment of the solvency capital requirement.

(9) When the Insurance Supervision Agency is of the opinion that extreme falls in financial markets no longer exist, it shall notify EIOPA thereof.

(10) The Insurance Supervision Agency shall prohibit or restrict the free disposal of assets of an insurance undertaking if its eligible own funds no longer cover the solvency capital requirement or if it expects non-compliance between eligible own funds and the solvency capital requirement in the next three months, and in addition it is of the opinion that the financial condition of the insurance undertaking will deteriorate further. The Insurance Supervision Agency shall notify the supervisory authorities of the Member States where the insurance undertaking conducts insurance business directly or through a branch. The supervisory authorities of Member States shall take the same measures at the request of the Insurance Supervision Agency. The Insurance Supervision Agency shall determine the assets which are subject to measures.

Article 250
(Measures to meet the minimum capital requirement)

(1) Insurance undertakings shall immediately or at the latest within three business days of establishing non-compliance inform the Insurance Supervision Agency that their eligible basic own funds no longer cover the minimum capital requirement, or if they expect non-compliance of eligible basic own funds and the minimum capital requirement in the next three months.

(2) In the event of the non-compliance referred to in the preceding paragraph, the management board of the insurance undertaking shall immediately undertake measures to ensure compliance with the minimum capital requirement which are within its competence, or

(3) V enem mesecu od ugotovitve, da primerni osnovni lastni viri sredstev ne krijejo več zahtevanega minimalnega kapitala, zavarovalnica predloži Agenciji za zavarovalni nadzor v odobritev kratkoročni realni finančni načrt za odpravo neskladja med primernimi osnovnimi lastnimi viri sredstev in zahtevanim minimalnim kapitalom.

(4) Zavarovalnica neskladnost iz prejšnjega odstavka odpravi v roku treh mesecev od njene ugotovitve tako, da:

1. poveča vrednost primernih osnovnih lastnih virov sredstev najmanj na višino zahtevanega minimalnega kapitala,
2. zmanjša tveganja, tako da zagotovi skladnost z zahtevanim minimalnim kapitalom.

(5) Agencija za zavarovalni nadzor zavarovalnici prepove ali omeji razpolaganje s sredstvi zavarovalnice, če primerni osnovni lastni viri sredstev ne krijejo več zahtevanega minimalnega kapitala, ali če pričakuje neskladnost primernih osnovnih lastnih virov sredstev z zahtevanim minimalnim kapitalom v naslednjih treh mesecih. O tem nemudoma obvesti nadzorne organe v državah članicah, kjer zavarovalnica neposredno ali prek podružnice opravlja zavarovalne posle. Na zahtevo Agencije za zavarovalni nadzor nadzorni organi teh držav članic sprejmejo enake ukrepe. Agencija za zavarovalni nadzor določi sredstva, ki so predmet ukrepov.

251. člen
(sanacijski in kratkoročni finančni načrt)

(1) Sanacijski načrt iz tretjega odstavka 249. člena tega zakona in kratkoročni finančni načrt iz tretjega odstavka prejšnjega člena vsebujeta najmanj podatke in listine glede:

1. ocene stroškov upravljanja zavarovalnice, zlasti tekočih splošnih stroškov in provizij,
2. ocene prihodkov in odhodkov v zvezi z neposrednim poslovanjem, sprejetim pozavarovanjem in oddanim pozavarovanjem,
3. predvidene bilance stanja,

propose such measures for which other bodies are competent.

(3) Within one month of establishing that the eligible basic own funds do not cover the minimum capital requirement, the insurance undertaking shall submit a short-term realistic financial plan to re-establish compliance between eligible basic own funds and the minimum capital requirement for approval to the Insurance Supervision Agency.

(4) The insurance undertaking shall eliminate the non-compliance referred to in the preceding paragraph in the next three months following its identification by:
1. increasing the value of eligible basic own funds at least to the level of the minimum capital requirement,
2. reducing risks by way of ensuring compliance with the minimum capital requirement.

(5) The Insurance Supervision Agency shall prohibit or restrict the free disposal of assets of an insurance undertaking if its eligible basic own funds no longer cover the minimum capital requirement or if it expects non-compliance between eligible basic own funds and the minimum capital requirement in the next three months. The Insurance Supervision Agency shall notify the supervisory authorities of the Member States where the insurance undertaking conducts insurance business directly or through a branch. The supervisory authorities of Member States shall take the same measures at the request of the Insurance Supervision Agency. The Insurance Supervision Agency shall determine the assets which are subject to measures.

Article 251
(Recovery plan and short-term financial plan)

(1) The recovery plan referred to in paragraph three of Article 249 of this Act and the short-term financial plan referred to in paragraph three of the preceding Article shall include at least data and documents concerning the following:
1. estimates of management costs, in particular current general costs and commissions,
2. estimates of revenue and expenditure in respect of direct business, reinsurance acceptances and reinsurance cessions,
3. a forecast balance sheet,

4. ocene finančnih virov za kritje zavarovalno-tehničnih rezervacij, zahtevanega solventnostnega kapitala in zahtevanega minimalnega kapitala,
5. politike pozavarovanja.

(2) Kadar Agencija za zavarovalni nadzor od zavarovalnice zahteva sanacijski ali kratkoročni finančni načrt, Agencija za zavarovalni nadzor ne sme izdati dovoljenja za prenos zavarovalnih pogodb iz tretjega odstavka 516. člena tega zakona tako dolgo, dokler meni, da so varnost in pravice zavarovalcev ogroženi ali da so ogrožene pogodbene obveznosti pozavarovalnice.

252. člen
(poročila o posameznih dejstvih in okoliščinah)

(1) Zavarovalnica poroča Agenciji za zavarovalni nadzor o naslednjih dejstvih in okoliščinah:
1. spremembah podatkov, ki se vpisujejo v sodni register;
2. sklicu skupščine in vseh sklepih, sprejetih na skupščini;
3. imetnikih kvalificiranih deležev zavarovalnice in pridobitvi oziroma spremembi kvalificiranih deležev;
4. razrešitvi in imenovanju članov uprave zavarovalnice;
5. razrešitvi oziroma prenehanju opravljanja nalog nosilca ključne funkcije in imenovanju nosilca ključne funkcije;
6. sprejemu in spremembi poslovne strategije zavarovalnice iz 1. točke 68. člena tega zakona;
7. sprejemu in spremembi finančnega načrta zavarovalnice iz 2. točke 68. člena tega zakona;
8. sprejemu in spremembi pisnih pravil sistema upravljanja, upravljanja tveganj, spremljanja skladnosti, notranjih kontrol, notranje revizije in izločenih poslov zavarovalnice iz 3. točke 68. člena tega zakona;
9. nameravanem odprtju, preselitvi, zaprtju ali začasnem prenehanju podružnice oziroma spremembah vrste poslov, ki jih opravlja podružnica;
10. začetku opravljanja in prenehanju opravljanja zavarovalnih poslov v določenih zavarovalnih vrstah;
11. vseh dejstvih in okoliščinah, ki so pomembne za presojo, ali je

4. estimates of the financial resources intended to cover technical provisions, the solvency capital requirement and the minimum capital requirement,
5. the reinsurance policy.

(2) Where the Insurance Supervision Agency has required a recovery plan or a short-term financial plan, the Insurance Supervision Agency shall refrain from issuing authorisation to transfer insurance contracts referred to in Article 516 of this Act for as long as it considers that the safety and the rights of the policyholders, or the contractual obligations of the reinsurance undertaking, are threatened.

Article 252
(Reports regarding individual facts and circumstances)

(1) An insurance undertaking shall report to the Insurance Supervision Agency regarding the following facts and circumstances:
1. changes in the information entered in the court register;
2. the convocation of the general meeting and all resolutions adopted by the general meeting;
3. holders of qualifying holdings of the insurance undertaking and acquisitions or changes in qualifying holdings;
4. the dismissal and appointment of members of the management board;
5. the dismissal or cessation of the tasks of the holder of a key function, and the appointment of the holder of a key function;
6. adoption and amendments of the business strategy of the insurance undertaking referred to in point 1 of Article 68 of this Act;
7. adoption and amendments of the financial plan of the insurance undertaking referred to in point 2 of Article 68 of this Act;
8. adoption and amendments of written rules on the governance system, risk management, monitoring of compliance, internal control, internal audit and outsourced activities of the insurance undertaking referred to in point 3 of Article 68 of this Act;
9. intended opening, transfer, closing or temporary winding-up of a branch or changes in the types of business conducted by the branch;
10. taking up and termination of the conducting of insurance business in certain insurance classes;
11. all facts and circumstances which are important to assess whether

zavarovalnica vključena v zavarovalno skupino, ter o osebah in načinu povezav v zavarovalni skupini, v katero je zavarovalnica vključena;
12. lastni oceni tveganj in solventnosti;
13. vseh dejstvih in okoliščinah, ki so pomembne za presojo, ali zavarovalnica posluje v skladu s pravili o upravljanju tveganj;

14. vseh zadevah, pomembnih za opravljanje nadzora Agencije za zavarovalni nadzor oziroma za izvrševanje drugih pristojnosti in nalog Agencije za zavarovalni nadzor.

(2) Uprava zavarovalnice Agencijo za zavarovalni nadzor nemudoma obvesti o naslednjih dogodkih:

1. če je ogrožena likvidnost ali izpolnjevanje kapitalskih zahtev zavarovalnice;
2. če nastopijo razlogi za prenehanje ali odvzem dovoljenja za opravljanje zavarovalnih poslov;
3. če se finančni položaj zavarovalnice spremeni tako, da zavarovalnica ne dosega zahtevanega solventnostnega kapitala, zahtevanega minimalnega kapitala, zahtev glede zavarovalno-tehničnih rezervacij ali premoženja, ki krije zavarovalno-tehnične rezervacije;

4. če je zavarovalnica začela obširnejšo prenovo informacijskih sistemov ali če je zavarovalnica začela razvijati novo ponudbo storitev, ki so pretežno podprte z informacijsko tehnologijo, če prenova ali razvoj predstavljata pomemben del poslovanja zavarovalnice;
5. drugih dogodkih, ki lahko pomembno vplivajo na poslovanje zavarovalnice v skladu s pravili o upravljanju tveganj.

(3) Agencija za zavarovalni nadzor predpiše podrobnejšo vsebino poročil in obvestil iz prvega in drugega odstavka tega člena ter obseg, način in roke poročanja oziroma obveščanja.

5. poglavje:

POSLOVNE KNJIGE, LETNO POROČILO IN POROČILO O

the insurance undertaking is included in an insurance group, and about persons and the manner of connections within the insurance group in which the insurance undertaking is a part;
12. own risk and solvency assessment;
13. all facts and circumstances which are important to assess whether the business of the insurance undertaking is compliant with risk management rules;
14. all matters that are important for supervision by the Insurance Supervision Agency or for the execution of other competences and duties of the Insurance Supervision Agency.

(2) The management board of an insurance undertaking shall immediately notify the Insurance Supervision Agency of the following events:
1. if there is a risk to liquidity or compliance with the capital requirements of an insurance undertaking;
2. if grounds for the revocation or withdrawal of authorisation to conduct insurance business arise;
3. if the financial condition of the insurance undertaking changes such that the insurance undertaking fails to comply with the solvency capital requirement, the minimum capital requirement, requirements regarding technical provisions or property which covers technical provisions;
4. if the insurance undertaking undertakes an extensive renewal of information systems or if the insurance undertaking undertakes the development of new services mainly supported by information technology, if the renewal or development represents a key part of the business of the insurance undertaking;
5. other events which may significantly affect the business of the insurance undertaking in accordance with the risk management rules.

(3) The Insurance Supervision Agency shall prescribe detailed content of the reports and notifications referred to in paragraphs one and two of this Article, including the scope, manner and deadlines for reports or notifications.

Chapter Five

BOOKS OF ACCOUNT, ANNUAL REPORT AND SOLVENCY AND

253. člen
(uporaba zakona, ki ureja gospodarske družbe, in zakona, ki ureja revidiranje)

(1) Če v 5. poglavju tega zakona in predpisu iz 254. člena tega zakona niso določena posebna pravila, se za poslovne knjige in letno poročilo zavarovalnic ter za revidiranje uporabljajo splošna pravila, določena v zakonu, ki ureja gospodarske družbe, in v zakonu, ki ureja revidiranje.

(2) Zavarovalnica vodi poslovne knjige, sestavlja knjigovodske listine, vrednoti knjigovodske postavke in sestavlja poročila v skladu s predpisi iz prejšnjega odstavka.

254. člen
(predpisi o poslovnih knjigah in letnih poročilih, revidiranju in razkritjih)

(1) Agencija za zavarovalni nadzor v zvezi s poslovnimi knjigami in letnim poročilom zavarovalnice predpiše:

1. kontni okvir za glavno knjigo zavarovalnice za namen vodenja poslovnih knjig;
2. vrste in sheme računovodskih ter konsolidiranih računovodskih izkazov zavarovalnice;
3. podrobnejšo vsebino:
   - računovodskega poročila in
   - poslovnega poročila.

(2) Agencija za zavarovalni nadzor predpiše podrobnejši obseg in vsebino dodatnega revizijskega pregleda ter dodatnega revizorjevega poročila iz 258. člena tega zakona.

255. člen
(posebna pravila o računovodskih izkazih zavarovalnice)

Article 253
(Application of the Act governing companies and the Act governing auditing)

(1) If special rules in Chapter Five of this Act and the regulation referred to in Article 254 of this Act are not laid down, the general rules provided by the Act governing companies and Act governing auditing shall apply to books of account and the annual report of insurance undertakings and to auditing.

(2) Insurance undertakings shall keep books of account, prepare bookkeeping documents, value bookkeeping items and draw up reports pursuant to the regulations referred to in the preceding paragraph.

Article 254
(Regulations on books of account, annual reports, auditing and disclosures)

(1) The Insurance Supervision Agency shall prescribe the following relating to books of account and the annual report of an insurance undertaking:

1. a chart of accounts for the general ledger of the insurance undertaking for the purpose of keeping of books of account;
2. types and schemes of insurance undertaking’s financial and consolidated financial statements;
3. detailed contents of
   - the accounting report and
   - the business report.

(2) The Insurance Supervision Agency shall prescribe the detailed scope and content of additional audit and additional auditor's report referred to in Article 258 of this Act.

Article 255
(Special rules on the financial statements of an insurance undertaking)

(1) Poslovno leto za sestavo računovodskih in konsolidiranih računovodskih izkazov, ki sestavljajo letno poročilo zavarovalnice, je enako koledarskemu letu.

(2) Zavarovalnica predloži Agenciji za zavarovalni nadzor nerevidirane letne računovodske izkaze v dveh mesecih po koncu koledarskega leta, nerevidirane letne konsolidirane računovodske izkaze pa v treh mesecih po koncu koledarskega leta.

(3) Zavarovalnica predloži Agenciji za zavarovalni nadzor trimesečne računovodske izkaze v roku enega meseca po izteku trimesečja, za zadnje trimesečje pa v dveh mesecih po izteku poslovnega leta oziroma skupaj z nerevidiranimi letnimi računovodskimi izkazi.

(4) Agencija za zavarovalni nadzor predpiše podrobnejšo vsebino računovodskih izkazov iz prejšnjega odstavka.

256. člen
(poročilo nosilca aktuarske funkcije)

Zavarovalnica skupaj z letnim poročilom predloži Agenciji za zavarovalni nadzor tudi poročilo nosilca aktuarske funkcije iz tretjega odstavka 170. člena tega zakona.

257. člen
(posebna pravila o revidiranju letnega poročila zavarovalnice)

(1) Zavarovalnica v osmih dneh po prejemu revizorjevega poročila, vendar ne pozneje kot v štirih mesecih po koncu koledarskega leta, Agenciji za zavarovalni nadzor predloži:
1. letno poročilo in
2. revizorjevo poročilo o revidiranju letnega poročila, kot ga opredeljuje zakon, ki ureja gospodarske družbe.

(1) The business year for the drawing up of the financial and consolidated financial statements that constitute the annual report of an insurance undertaking shall be equal to the calendar year.

(2) The insurance undertaking shall submit unaudited annual financial statements to the Insurance Supervision Agency within two months of the end of the calendar year, and unaudited annual consolidated financial statements within three months of the end of the calendar year.

(3) The insurance undertaking shall submit quarterly financial statements to the Insurance Supervision Agency within one month of the end of the quarter and for the last quarter within two months of the end of the business year or together with unaudited annual financial statements.

(4) The Insurance Supervision Agency shall prescribe the detailed content of financial statements referred to in the preceding paragraph.

Article 256
(Report of the holder of the actuarial function)

Insurance undertakings shall submit to the Insurance Supervision Agency the report of the holder of the actuarial function referred to in paragraph three of Article 170 of this Act, together with the annual report.

Article 257
(Special rules on the auditing of an insurance undertaking’s annual report)

(1) An insurance undertaking shall submit the following to the Insurance Supervision Agency within eight days of receiving the auditor’s report, but no later than four months after the end of the calendar year:
1. an annual report and
2. an auditor’s report on the auditing of the annual report as defined by the Act governing companies.

(2) Zavarovalnica v rokih po predpisu iz drugega odstavka 254. člena tega zakona Agenciji za zavarovalni nadzor predloži dodatno revizorjevo poročilo iz 258. člena tega zakona.

(3) Če zavarovalnica pripravi konsolidirano letno poročilo, se za predložitev, revidiranje in objavo konsolidiranega letnega poročila smiselno uporabljajo določbe tega člena ter 258. do 260. člena tega zakona.

258. člen
(dodatna pravila o revizijskem pregledu)

(1) Revizijska družba poleg revidiranja letnega poročila zavarovalnice, na podlagi katerega sestavi revizorjevo poročilo, opravi tudi dodatni revizijski pregled in dodatno revizorjevo poročilo v skladu s predpisom iz 254. člena tega zakona.

(2) Agencija za zavarovalni nadzor lahko od revizijske družbe zahteva dodatna pojasnila v zvezi z revizijskim pregledom.

(3) Če revizijski pregled ni opravljen oziroma revizorjevo poročilo ali dodatno revizorjevo poročilo ni izdelano v skladu s prvim odstavkom tega člena oziroma s predpisom iz 254. člena tega zakona, lahko Agencija za zavarovalni nadzor:

1. zahteva od zavarovalnice, da revizijska družba svoji poročili ustrezno popravi oziroma dopolni,
2. zavrne revizorjevi poročili in zahteva od zavarovalnice, da revizijski pregled opravi druga revizijska družba.

(4) Za revizijski pregled iz prvega odstavka tega člena imenuje zavarovalnica revizijsko družbo za obdobje, ki ne sme biti krajše od treh poslovnih let. Revizijski pregled zavarovalnice lahko opravlja posamezna revizijska družba neprekinjeno za največ deset poslovnih let s prekinitvijo za obdobje najmanj naslednjih štirih poslovnih let.

(5) Zavarovalnica ali revizijska družba lahko odpove pogodbo iz prejšnjega odstavka pred potekom pogodbeno dogovorjenega roka le na

(2) An insurance undertaking shall submit to the Insurance Supervision Agency an additional auditor's report referred to in Article 258 of this Act within the time limits set out in paragraph two of Article 254 of this Act.

(3) The provisions of this Article and Articles 258 to 260 of this Act shall apply, *mutatis mutandis*, to the submission, audit and publication of a consolidated annual report if the insurance undertaking prepares such a report.

Article 258
(Additional rules on audit)

(1) In addition to auditing the insurance undertaking's annual report, based on which an auditing company shall compile the auditor's report, an auditing company shall also perform an additional audit and compile an additional auditor's report in accordance with the regulation referred to in Article 254 of this Act.

(2) The Insurance Supervision Agency may require an auditing company to provide additional explanations in connection with an audit.

(3) If an audit is not carried out or the auditor’s report or additional auditor’s report are not prepared in accordance with paragraph one of this Article or the regulation referred to in Article 254 of this Act, the Insurance Supervision Agency may:

1. require from the insurance undertaking that the auditing company corrects or amends its reports accordingly,
2. reject the auditor's reports and require from the insurance undertaking that a different auditing company conduct the audit.

(4) For the audit referred to in paragraph one of this Article, the insurance undertaking shall appoint an auditing company for a period of no less than three financial years. A single auditing company may audit an insurance undertaking continuously for a maximum period of ten financial years, followed by a break of at least the next four financial years.

(5) The insurance undertaking or auditing company may terminate the contract referred to in the preceding paragraph prior to the

podlagi utemeljenih razlogov. Različna mnenja o računovodskih obravnavah ali revizijskih postopkih niso utemeljeni razlogi za odpoved pogodbe. Pogodba o revizijskem pregledu se odpoveduje sodno. Uprava zavarovalnice lahko pogodbo o revizijskem pregledu odpove pred potekom pogodbeno dogovorjenega roka le s soglasjem nadzornega sveta in po posvetovanju z revizijsko komisijo.

(6) Zavarovalnica pisno obvesti Agencijo za zavarovalni nadzor o razrešitvi ali o odstopu revizijske družbe pred pogodbeno dogovorjenim rokom in ustrezno pojasni razloge za razrešitev ali odstop.

259. člen
(obveznost revizijske družbe v razmerju do Agencije za zavarovalni nadzor)

(1) Pooblaščeni revizor, ki opravlja naloge revidiranja letnega poročila zavarovalnice, Agencijo za zavarovalni nadzor nemudoma obvesti o vseh dejstvih, za katere izve pri izvajanju nalog revidiranja zavarovalnice in ki lahko pomenijo enega od teh položajev:

1. da predstavljajo pomembno kršitev predpisov iz prvega odstavka 277. člena tega zakona,
2. da predstavljajo poslabšanje nemotenega delovanja zavarovalnice oziroma da je ogrožena varnost poslovanja oziroma zavarovalcev, zavarovancev ali drugih upravičencev,
3. da lahko privede do revizorjevega mnenja s pridržkom, odklonilnega mnenja ali zavrnitve izdelave mnenja,
4. da pomenijo neskladnost z zahtevanim solventnostnim kapitalom ali neskladnost z zahtevanim minimalnim kapitalom.

(2) Obveznost iz prejšnjega odstavka velja tudi za dejstva ali odločitve v zvezi z družbo, ki je v razmerju tesne povezanosti z zavarovalnico na podlagi obvladovanja.

(3) Revizijska družba Agenciji za zavarovalni nadzor na njeno zahtevo posreduje tudi druge podatke, ki jih Agencija za zavarovalni nadzor potrebuje pri opravljanju nadzora nad zavarovalnico v skladu s tem zakonom.

expiry of the contractually determined deadline only on substantiated grounds. Differing opinions on accounting treatment or auditing procedures are not substantiated grounds for terminating a contract. An audit contract shall be terminated through court action. The management board of an insurance undertaking may terminate an audit contract prior to the expiry of the contractually determined deadline only with the consent of the supervisory board and following consultations with the audit committee.

(6) The insurance undertaking shall notify the Insurance Supervision Agency in writing of the dismissal or withdrawal of an auditing company prior to the expiry of the contractually determined deadline and appropriately explain the grounds for the dismissal or withdrawal.

Article 259
(Obligations of auditing company towards the Insurance Supervision Agency)

(1) The certified auditor that audits an insurance undertaking's annual report shall notify the Insurance Supervision Agency without delay of any circumstances identified during the audit of the insurance undertaking which may indicate one of the following situations which:

1. represent a major violation of the regulations referred to in paragraph one of Article 277 of this Act,
2. constitute a deterioration in the smooth operations of the insurance undertaking or that the security of the business, or policyholders, insured persons or other beneficiaries is at risk,
3. could result in a qualified auditor's opinion, a negative opinion or refusal to issue an opinion,
4. constitute non-compliance with the solvency capital requirement or with the minimum capital requirement.

(2) The obligation referred to in the preceding paragraph shall also apply to the facts or decisions associated with an undertaking that has close links with an insurance undertaking based on control.

(3) The auditing company shall also provide the Insurance Supervision Agency, at the latter's request, with other data needed by the Insurance Supervision Agency for the supervision of an insurance undertaking pursuant to this Act.

(4) Posredovanje podatkov Agenciji za zavarovalni nadzorpo prvem do tretjem odstavku tega člena nima značilnosti kršitve revizorjeve obveznosti varovanja zaupnih podatkov po zakonu, ki ureja revidiranje, ali na podlagi pogodbe.

260. člen
(javna objava)

(1) Zavarovalnica v šestih mesecih po koncu koledarskega leta na svojih javnih spletnih straneh objavi letno poročilo skupaj z revizorjevim poročilom.

(2) Zavarovalnica zagotovi, da ostanejo poročila iz prejšnjega odstavka dostopna na njenih javnih spletnih straneh najmanj pet let po njihovi objavi.

(3) Podružnica zavarovalnice države članice ali zavarovalnice tretje države na svojih spletnih straneh objavi revidirane računovodske izkaze in revidirane konsolidirane računovodske izkaze zavarovalnice države članice ali zavarovalnice tretje države skupaj z mnenjema revizorja najpozneje v 15 dneh po izteku roka za javno objavo v državi sedeža zavarovalnice.

261. člen
(poročilo o solventnosti in finančnem položaju)

(1) Zavarovalnica vsako leto izdela in na svoji javni spletni strani objavi poročilo o solventnosti in finančnem položaju v skladu s:
- 5. poglavjem tega zakona,
- akti, ki jih izda Evropska komisija na podlagi 56. člena Direktive 2009/138/ES, in
- izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi 56. člena Direktive 2009/138/ES.

(2) Poročilo o solventnosti in finančnem položaju vsebuje:
1. opis poslov in delovanja zavarovalnice;

(4) The submission of information to the Insurance Supervision Agency pursuant to paragraphs one to three of this Article shall not have characteristics of a violation of the auditor’s duty to protect confidential data pursuant to the Act governing auditing, or based on the relevant contract.

Article 260
(Publication)

(1) Insurance undertakings shall, within six months following the end of the calendar year, publish their annual report, together with the auditor’s report on their websites.

(2) Insurance undertakings shall ensure that the reports referred to in the preceding paragraph are available on their websites for at least five years following their publication.

(3) A branch of an insurance undertaking from a Member State or a third country shall publish the audited financial statements and audited consolidated financial statements of the insurance undertaking from a Member State or a third country, together with the auditor's opinion, on its website within 15 days at the latest of expiry of the deadline for publication in the country where the insurance undertaking has its head office.

Article 261
(Solvency and financial condition report)

(1) Insurance undertakings shall prepare and publish on their websites a solvency and financial condition report in accordance with:
- Chapter Five of this Act,
- acts issued by the European Commission pursuant to Article 56 of Directive 2009/138/EC, and
- implementing technical standards issued by the European Commission pursuant to Article 56 of Directive 2009/138/EC.

(2) The solvency and financial condition report shall include:
1. a description of the insurance undertaking’s business and operations;

2. opis sistema upravljanja in oceno njegove ustreznosti glede na tveganja zavarovalnice;
3. za vsako vrsto tveganja opis izpostavljenosti, koncentracije, občutljivosti in uporabljenih tehnik za zmanjševanje tveganja;
4. ločen opis podlag in metod za vrednotenje sredstev, zavarovalno-tehničnih rezervacij in drugih obveznosti, skupaj z obrazložitvijo pomembnejših razlik od podlag in metod za vrednotenje, uporabljenih v računovodskih izkazih;
5. opis upravljanja kapitala, zlasti:
   - strukturo, znesek in kakovost lastnih virov sredstev,
   - zahtevani solventnostni kapital in zahtevani minimalni kapital,
   - možnost iz 213. člena tega zakona, ki se uporablja za izračun zahtevanega solventnostnega kapitala,
   - opis razlik med predpostavkami standardne formule in internega modela,
   - znesek neskladnosti z zahtevanim minimalnim kapitalom ali pomembnejše neskladnosti z zahtevanim solventnostnim kapitalom v poslovnem letu z obrazložitvijo njihovih vzrokov in posledic, kakor tudi kakršnihkoli ukrepov za njihovo rešitev, ki so bili sprejeti.

(3) Opis za sredstva, zavarovalno-tehnične rezervacije in druge obveznosti iz 4. točke prejšnjega odstavka, v primeru, kadar se uporabi uskladitvena prilagoditev iz 182. člena tega zakona, vključuje opis uskladitvene prilagoditve ter portfelja obveznosti in pripadajočih oziroma dodeljenih sredstev, za katere se uporabi uskladitvena prilagoditev, kot tudi količinsko opredelitev učinka, ki ga ima sprememba uskladitvene prilagoditve na nič na finančno stanje zavarovalnice.

(4) Opis za sredstva, zavarovalno-tehnične rezervacije in druge obveznosti iz 4. točke drugega odstavka tega člena vključuje tudi izjavo o tem, ali zavarovalnica uporablja prilagoditev za nestanovitnost iz 184. člena tega zakona, in količinsko opredelitev učinka, ki ga ima sprememba prilagoditve za nestanovitnost na nič na finančno stanje zavarovalnice.

(5) Opis strukture, zneska in kakovosti lastnih virov sredstev iz prve alineje 5. točke drugega odstavka tega člena vključuje analizo pomembnejših sprememb v primerjavi s strukturo, zneskom in kakovostjo lastnih virov sredstev v predhodnem poročevalskem obdobju, obrazložitev

2. a description of the governance system and an assessment of its adequacy with regard to the risks of the insurance undertaking;
3. for each type of risk a description of the exposure, concentration, sensitivity and techniques used for mitigating risks;
4. a separate description of the bases and methods used for valuation of the assets, technical provisions and other obligations, including an explanation of any material differences between the bases and methods of valuations used in financial statements;
5. a description of the capital management, in particular:
   - the structure, amount and quality of own funds,
   - the solvency capital requirement and the minimum capital requirement,
   - the option referred to in Article 213 of this Act which is used to calculate the solvency capital requirement,
   - the description of the differences between assumptions in the standard formula and the internal model,
   - the amount of non-compliance with the minimum capital requirement or significant non-compliance with the solvency capital requirement in the business year, with an explanation of its origins and consequences, as well as any remedial measures taken.

(3) A description of the assets, technical provisions and other obligations referred to in point 4 of the preceding paragraph where matching adjustment referred to in Article 182 of this Act is applied, shall include a description of the matching adjustment and the portfolio of obligations and assigned or allocated assets to which the matching adjustment is applied, as well as a quantification of the impact of a change to zero of the matching adjustment on that insurance undertaking's financial condition.

(4) A description of the assets, technical provisions and other obligations referred to in point 4 of paragraph two of this Article shall also include a statement on whether the volatility adjustment referred to in Article 184 of this Act is used and quantification of the impact of a change to zero of the volatility adjustment on that insurance undertaking's financial condition.

(5) A description of the structure, amount and quality of own funds referred to in indent one of point 5 of paragraph two of this Article shall include an analysis regarding significant changes in comparison with the structure, amount and quality of own funds in the preceding reporting

kakršnihkoli pomembnejših razlik v zvezi z vrednostjo teh elementov v računovodskih izkazih ter kratek opis prenosljivosti lastnih virov sredstev.

(6) Razkritje zahtevanega solventnostnega kapitala iz druge alineje 5. točke drugega odstavka tega člena ločeno prikaže zahtevani solventnostni kapital, izračunan s standardno formulo ali notranjim modelom iz 4.10. oddelka, ter kapitalski dodatek v skladu s 309. členom tega zakona. Ločeno je prikazana tudi utemeljitev in vpliv specifičnih parametrov, ki jih v skladu z 217. členom tega zakona uporablja zavarovalnica. Razkritje zahtevanega solventnostnega kapitala vključuje, če je primerno, navedbo, da je njegov končni znesek še vedno predmet nadzorne ocene.

262. člen
(opustitev razkritja določenih informacij)

(1) Agencija za zavarovalni nadzor lahko zavarovalnici na njeno zahtevo dovoli, da v celoti ali deloma opusti razkritja iz poročila o solventnosti in finančnem položaju, če:
1. bi z razkritjem podatkov konkurenčna podjetja pridobila znatno neupravičeno prednost,
2. obstajajo obveznosti do zavarovalcev ali drugi odnosi z nasprotno stranko, ki zavarovalnico zavezujejo k varovanju skrivnosti ali zaupnosti.

(2) Zavarovalnica v poročilu o solventnosti in finančnem položaju navede morebitno opustitev in razloge za opustitev razkritij v skladu s prejšnjim odstavkom.

(3) Opustitev razkritij iz 5. točke drugega odstavka prejšnjega člena ni mogoča.

(4) Agencija za zavarovalni nadzor lahko zavarovalnici dovoli uporabo ali sklic na javna razkritja, ki so bila izvedena v okviru drugih zahtev, če so ta razkritja po naravi in obsegu enakovredna razkritjem iz prejšnjega člena.

period, an explanation of any significant differences regarding the value of such elements in financial statements, and a brief description of the transferability of own funds.

(6) The disclosure of the solvency capital requirement referred to in the second indent of point 5 of paragraph two of this Article shall separately show the solvency capital requirement calculated with the standard formula or the internal model referred to in Section 4.10, and a capital add-on pursuant to Article 309 of this Act. The justification and impact of specific parameters applied by an insurance undertaking pursuant to Article 217 of this Act shall also be shown separately. Where appropriate, the disclosure of the solvency capital requirement shall include an indication that its final amount is still subject to a supervision assessment.

Article 262
(Non-disclosure of certain information)

(1) The Insurance Supervision Agency may, at the request of an insurance undertaking, permit the insurance undertaking to fully or partly omit disclosures from the solvency and financial condition report if:
1. the disclosure would grant competitive undertakings a significant unjustified advantage,
2. the existence of obligations to policyholders or other relationships with a counterparty that commit the insurance undertaking to protect secrets or confidentiality.

(2) The insurance undertaking shall in its solvency and financial condition report state potential non-disclosures and the reasons for non-disclosure pursuant to the preceding paragraph.

(3) Non-disclosure referred to in point 5 of paragraph two of the preceding Article is not permitted.

(4) The Insurance Supervision Agency may allow an insurance undertaking to use, or refer to, public disclosures made within the scope of other requirements if such disclosures are equivalent to the disclosures referred to in the preceding Article in terms of their nature and scale.

263. člen
(posodobitve in dodatne informacije v zvezi s poročilom o solventnosti in finančnem položaju)

(1) Zavarovalnica v primeru večje spremembe, ki vpliva na ustreznost informacij, razkritih v poročilu o solventnosti in finančnem položaju, razkrije informacije glede narave in vpliva takšne spremembe.

(2) Za večjo spremembo iz prejšnjega odstavka šteje:

1. če se ugotovi neskladnost z zahtevanim minimalnim kapitalom in Agencija za zavarovalni nadzor meni, da zavarovalnica ne bo mogla predložiti realnega kratkoročnega finančnega načrta ali če tega načrta Agencija za zavarovalni nadzor ne prejme v roku enega meseca od dne, ko je bila neskladnost ugotovljena;

2. če se ugotovi znatna neskladnost z zahtevanim solventnostnim kapitalom in Agencija za zavarovalni nadzor ne prejme realnega sanacijskega načrta v roku dveh mesecev od dne, ko je bila neskladnost ugotovljena.

(3) Agencija za zavarovalni nadzor od zavarovalnice zahteva, da:
1. v primeru neskladnosti iz prejšnjega odstavka nemudoma razkrije znesek neskladnosti skupaj s pojasnilom o njenem izvoru in posledicah, vključno z morebitnimi ukrepi za njeno rešitev;

2. v primeru, ko neskladnost z zahtevanim minimalnim kapitalom iz 1. točke prejšnjega odstavka kljub kratkoročnemu finančnemu načrtu, ki je sprva štel za realnega, ni bila rešena v treh mesecih od dneva ugotovitve, nemudoma razkrije neskladnost ob koncu tega obdobja skupaj s pojasnilom o njenem izvoru in posledicah, vključno z morebitnimi sprejetimi in načrtovanimi ukrepi za njeno rešitev;

3. v primeru, ko neskladnost z zahtevanim solventnostnim kapitalom iz 2. točke prejšnjega odstavka kljub sanacijskemu načrtu, ki je sprva štel za realnega, ni bila rešena v šestih mesecih od dneva ugotovitve, nemudoma razkrije neskladnost ob koncu tega obdobja skupaj s

Article 263
(Updates and additional information related to a solvency and financial condition report)

(1) An insurance undertaking shall, in the event of a major change significantly affecting the relevance of information disclosed in a solvency and financial condition report, disclose information on the nature and effects of such change.

(2) The following shall be deemed a major change referred to in the preceding paragraph:
1. if non-compliance with the minimum capital requirement is established, and the Insurance Supervision Agency is of the opinion that the insurance undertaking will not be able to submit a realistic short-term financial plan, or if the Insurance Supervision Agency does not receive such a plan within one month of the establishment of non-compliance;
2. if significant non-compliance with the solvency capital requirement is established, and the Insurance Supervision Agency does not receive a realistic recovery plan within two months of the establishment of non-compliance.

(3) The Insurance Supervision Agency shall require an insurance undertaking:
1. in the case of the non-compliance referred to in the preceding paragraph, to immediately disclose the extent of non-compliance together with an explanation of its origin and consequences, including potential measures to remedy it;
2. if non-compliance with the minimum capital requirement referred to in point 1 of the preceding paragraph is not remedied within three months of its establishment despite of a short-term financial plan which has been deemed realistic, to promptly disclose non-compliance at the end of this period, together with an explanation of its origin and consequences, including potential measures taken and planned for its solution;
3. if non-compliance with the capital requirement referred to in point 2 of the preceding paragraph is not remedied within six months of its establishment despite a recovery plan which has been deemed realistic, to immediately disclose non-compliance at the end of this

pojasnilom o njenem izvoru in posledicah, vključno z morebitnimi sprejetimi in načrtovanimi ukrepi za njeno rešitev.

(4) Zavarovalnica lahko prostovoljno razkrije kakršnokoli informacijo ali pojasnilo, ki se nanaša na njihovo solventnost in finančni položaj, za katero se ne zahteva razkritje že z 260. ali 261. členom tega zakona ali s prvim, drugim ali tretjim odstavkom tega člena.

264. člen
(ustrezen sistem zavarovalnice za namen razkritij)

(1) Zavarovalnica vzpostavi ustrezen sistem in strukturo za izpolnjevanje zahtev iz 261. do 263. člena tega zakona.

(2) Uprava zavarovalnice sprejme pisna pravila, ki zagotavljajo stalno ustreznost informacij, ki so razkrite v skladu z 261. do 263. členom tega zakona.

(3) Poročilo o solventnosti in finančnem položaju sprejme upravni odbor oziroma uprava s soglasjem nadzornega sveta zavarovalnice.

6. poglavje:

VAROVANJE ZAUPNIH PODATKOV

265. člen
(zaupni podatki)

Zavarovalnica kot zaupne varuje vse podatke, dejstva in okoliščine o posameznem zavarovalcu, zavarovancu ali drugemu upravičencu iz zavarovanja, ki jih je zbrala pri poslovanju z njim ali jih je pridobila na kakšen drug način. Kadar gre hkrati za varovane osebne podatke, se za njihovo obdelavo in zavarovanje upošteva zakon, ki ureja varstvo osebnih podatkov.

period, together with an explanation of its origin and consequences, including potential measures taken and planned for its solution.

(4) The insurance undertaking may voluntarily disclose any information or explanations, the disclosure of which is not provided by Article 260 or 261 of this Act or by paragraphs one, two or three of this Article, which refers to its solvency and financial condition.

Article 264
(Adequate disclosure system of insurance undertaking)

(1) Insurance undertakings shall establish an adequate system and structure to meet the requirements referred to in Articles 261 to 263 of this Act.

(2) The management board of an insurance undertaking shall adopt written rules to ensure the continuous relevance of the information disclosed pursuant to Articles 261 to 263 of this Act.

(3) A solvency and financial condition report shall be adopted by the board of directors or the management board with the consent of the supervisory board of the insurance undertaking.

Chapter Six

PROTECTION OF CONFIDENTIAL INFORMATION

Article 265
(Confidential information)

Insurance undertakings shall treat as confidential and protect all information, facts and circumstances about individual policyholders, insured persons or other insurance beneficiaries, which have been acquired in their dealings with them or obtained in any other manner. Where this information is at the same time protected personal data, the provisions of the Act governing personal data protection shall apply to their processing and security.

266. člen
(dolžnost varovanja zaupnih podatkov)

(1) Člani organov zavarovalnice, delničarji zavarovalnice, delavci zavarovalnice oziroma druge osebe, ki so jim v zvezi z njihovim delom v zavarovalnici oziroma pri opravljanju storitev za zavarovalnico na kakršenkoli zakonit način dostopni zaupni podatki iz prejšnjega člena, teh podatkov ne smejo uporabiti v nasprotju z namenom, za katerega so bili zbrani, ali jih razkriti tretji osebi oziroma ji kako drugače omogočiti, da pride do njih.

(2) Prepoved razkritja zaupnih podatkov ne velja:

1. če zavarovalec izrecno pisno pristane, da se sporočijo posamezni zaupni podatki;
2. če te podatke potrebuje Agencija za zavarovalni nadzor oziroma drug nadzorni organ za potrebe nadzora, ki ga vodi v okviru svojih pristojnosti;
3. v primerih posredovanja podatkov nadrejenim družbam v zvezi z nadzorom na konsolidirani podlagi v skladu z 8. Poglavjem tega zakona ali v skladu z zakonom, ki ureja finančne konglomerate;
4. za pridobivanje, vodenje in uporabo zbirk osebnih podatkov, kot je določeno v 268. do 270. členu tega zakona;
5. v primerih, določenih v zakonu, ki ureja obvezna zavarovanja v prometu;
6. če te podatke pisno zahteva komisija za preprečevanje korupcije ali če jih zaradi izvedbe predkazenskega ali kazenskega postopka pisno zahteva sodišče, državno tožilstvo ali policija, razen v primerih, ko za posredovanje zaupnih podatkov zakon izrecno določa odredbo preiskovalnega sodnika;
7. v primerih, določenih z zakonom, ki ureja preprečevanje pranja denarja in financiranja terorizma;
8. če so ti podatki potrebni za odločitev o pravnih razmerjih med zavarovalnico in zavarovalcem oziroma zavarovancem oziroma drugim upravičencem iz zavarovanja v sodnem sporu;
9. če so ti podatki potrebni v zapuščinskem postopku in predložitev teh

Article 266
(Obligation to protect confidential information)

(1) Members of an insurance undertaking's bodies, shareholders, employees of an insurance undertaking or any other persons with any type of legal access to the confidential information referred to in the preceding Article, due to the execution of their work in an insurance undertaking or performance of services for an insurance undertaking, may not use this information contrary to the purposes for which it was collected or disclose it to a third party or make it in any way available to a third party.

(2) The prohibition of disclosure of confidential information shall not apply in the following cases:

1. if the policyholder gives their explicit consent in writing for disclosure of certain confidential information;
2. if this information is needed by the Insurance Supervision Agency or another supervisory authority for the needs of supervision carried out in the framework of its competences;
3. in cases of transmission of information to parent companies in connection with supervision on a consolidated basis in accordance with the provisions of Chapter Eight of this Act or Act governing financial conglomerates;
4. acquiring, managing and using personal data filing systems as laid down in Articles 268 to 270 of this Act;
5. in cases provided by the Act governing compulsory insurance in transport;
6. if such information is required in writing by the Commission for the Prevention of Corruption or is for purposes of a pre-trial investigation or a criminal proceedings required in writing by the court, the state prosecutor's office or by the police, except in cases where an order from an investigating judge is specifically required by an Act for the transmission of confidential information;
7. in cases provided by the Act governing prevention of money laundering and terrorist financing;
8. if this information is necessary for the establishment of a legal relationship between an insurance undertaking and the policyholder or insured person or other insurance beneficiary in a court dispute;
9. if this information is necessary for inheritance proceedings and the

podatkov zahteva oziroma naloži pristojno sodišče;

10. če so ti podatki potrebni zaradi izvršbe na premoženje zavarovalca oziroma zavarovanca oziroma drugega upravičenca iz zavarovanja in predložitev teh podatkov pisno zahteva oziroma naloži pristojno sodišče oziroma je za posredovanje podana podlaga v zakonu, ki ureja izvršbo in zavarovanje;
11. če te podatke potrebuje davčni organ v postopku, ki ga vodi v okviru svojih pristojnosti;
12. v primerih, določenih v zakonu, ki ureja finančno poslovanje, postopke zaradi insolventnosti in prisilno prenehanje;
13. v primerih, če te podatke potrebuje ministrstvo, pristojno za gospodarstvo, oziroma drug organ, ki izvaja odpravo posledic škode v gospodarstvu po naravnih nesrečah, skladno z zakonom, ki ureja odpravo posledic naravnih nesreč;
14. če je to potrebno za izvedbo pogajanj za sklenitev pogodbe ali za izpolnjevanje pogodbe, ki jo zavarovalnica sklene v okviru običajne dejavnosti, in če prejemnik zagotovi ustrezno varovanje zaupnosti podatkov;
15. v drugih primerih, ki jih določa zakon.

(3) Dolžnost varovanja zaupnih podatkov ne velja, če zavarovalnica ali oseba iz prvega odstavka tega člena te podatke posreduje tožilstvu ali policiji z namenom, da naznani kaznivo dejanje.

267. člen
(uporaba zaupnih podatkov)

Agencija za zavarovalni nadzor, sodišča in druge osebe ter organi smejo podatke, ki so jih pridobili na podlagi drugega ali tretjega odstavka prejšnjega člena, uporabiti izključno za namen, za katerega so bili podatki pridobljeni.

268. člen
(pridobivanje, vodenje in uporaba zbirk osebnih podatkov ter pridobivanje osebnih podatkov iz evidenc na podlagi elektronske izmenjave)

submission of this information is required or ordered by the competent court;

10. if this information is necessary for enforcement proceeding against the property of the policyholder or insured person or other insurance beneficiary and the submission of this information is required or ordered in writing by the competent court or the basis for disclosure is provided by the Act governing claim enforcement and security;
11. if such information is needed by the tax authority in the procedure carried out in the framework of its competences;
12. in cases provided by the Act governing financial operations, insolvency proceedings and compulsory winding-up;
13. in cases where such information is needed by the ministry responsible for economy or by another authority that carries out natural disaster recovery in the economy following natural disasters pursuant to the Act governing natural disaster recovery;
14. If this is needed for conducting negotiations for the conclusion of a contract or for the fulfilment of a contract concluded by an insurance undertaking within its regular activities and if the recipient ensures an adequate level of protection of confidentiality of information;
15. in other cases as laid down by an Act.

(3) The obligation to protect confidential information shall not apply if an insurance undertaking or a person referred to in paragraph one of this Article submits this information to the state prosecutor's office or the police in order to report a criminal offence.

Article 267
(Use of confidential information)

The Insurance Supervision Agency, courts and other persons and authorities may use information acquired on the basis of paragraph two or three of the preceding Article, only for the purposes for which it was acquired.

Article 268
(Acquisition, management and use of personal data filing systems and acquisition of personal data from records through electronic exchange)

(1) Zavarovalnice in Slovensko zavarovalno združenje zbirajo, shranjujejo, posredujejo, uporabljajo ali kako drugače obdelujejo osebne podatke iz tega člena v skladu z zakonodajo, ki ureja varstvo osebnih podatkov in zbirke podatkov s področja zavarovanja.

(2) Zavarovalnice in Slovensko zavarovalno združenje upravljajo z:
1. zbirko podatkov o zavarovalcih in zavarovancih,
2. zbirko podatkov o zavarovalnih primerih,
3. zbirko podatkov za presojo zavarovalnega kritja in višine odškodnine oziroma zavarovalnine,
4. zbirko podatkov o potencialnih zavarovalcih in zavarovancih.

(3) Obdelava osebnih podatkov v zbirkah iz prejšnjega odstavka je dopustna le v obsegu, ki je primeren in potreben za uresničevanje namenov obdelave:
1. namen obdelave je za zbirke iz 1., 2. in 3. točke prejšnjega odstavka sklepanje in izvajanje pogodb o zavarovanju, izterjava neplačanih obveznosti iz naslova zavarovalnih pogodb, reševanje škod, uveljavljanje povračilnih zahtevkov in drugih pravic ter obveznosti, vključno s preiskovanjem sumljivih primerov neupravičeno izplačanih odškodnin oziroma zavarovalnin, ki izvirajo iz zavarovanj po tem zakonu, in preverjanje politične izpostavljenosti oseb po zakonu, ki ureja preprečevanje pranja denarja in financiranja terorizma;

2. namen obdelave je za zbirko iz 4. točke prejšnjega odstavka svetovanje oziroma ugotavljanje potreb in zahtev strank v okviru pogajanj za sklenitev zavarovalne pogodbe, izvedba pogajanj za sklenitev pogodbe o zavarovanju, ugotavljanje potreb in zahtev strank ter ocenjevanje primernosti in ustreznosti zavarovalne storitve oziroma produkta za stranko, izdajo osebnega priporočila oziroma izvedbo svetovanja zavarovalnice na podlagi poštene in osebne analize, kot to določa ta zakon. Podatki za ta namen se pridobivajo od stranke.

(4) V zbirki podatkov iz 1. točke drugega odstavka tega člena se ob upoštevanju namena obdelave podatkov lahko zbirajo naslednji osebni podatki:

(1) Insurance undertakings and the Slovenian Insurance Association shall collect, store, transmit, use or otherwise process personal data referred to in this Article in accordance with the legislation governing the protection of personal data and filing systems in the field of insurance.

(2) Insurance undertakings and the Slovenian Insurance Association shall manage:
1. the filing system of policyholders and insured persons,
2. the filing system of insurance cases,
3. the filing system for the assessment of insurance coverage and amount of indemnities or benefits,
4. the filing system of potential policyholders and insured persons.

(3) The processing of personal data in the filing systems referred to in the preceding paragraph shall only be permitted to the extent appropriate and necessary for the fulfilment of the purposes of processing:
1. the purpose of processing for the filing systems referred to in points 1, 2 and 3 of the preceding paragraph shall be the conclusion and performance of insurance contracts, the recovery of any unpaid obligations arising from insurance contracts, claims handling, enforcement of retaliation claims and other rights and obligations, including investigation of suspicious cases of unduly paid indemnities or benefits arising from insurance under this Act and verification of political exposure of persons under the Act governing the prevention of money laundering and terrorist financing;
2. the purpose of processing for the filing system referred to in point 4 of the preceding paragraph shall be to advise or determine the needs and requirements of clients in the framework of negotiations for the conclusion of an insurance contract, to conduct negotiations for the conclusion of an insurance contract, to determine the needs and requirements of clients, and to assess the suitability and adequacy of an insurance service or product for the client, to issue a personal recommendation or to give advice on the basis of a fair and personal analysis, as stipulated by this Act. The data for this purpose shall be obtained from the client.

(4) Taking into account the purpose of data processing, the following personal data may be collected in the filing system referred to in point 1 of paragraph two of this Article:

1. osebno ime, spol, datum in kraj rojstva, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje, datum smrti, davčna številka, vrsta in številka osebnega dokumenta zavarovalca oziroma zavarovanca, v primeru zdravstvenega zavarovanja pa tudi ZZZS številka zavarovane osebe;

2. ime zavarovalnice, številka police, trajanje zavarovanja in zavarovalno kritje;
3. podatki, ki se nanašajo na predmet zavarovanja;
4. zavarovalnice, ki izvajajo dopolnilno prostovoljno zdravstveno zavarovanje, lahko z namenom lažjega uresničevanja pravic zavarovancev poleg podatkov iz 1. točke tega odstavka zbirajo tudi enotno matično številko občana;
5. podatki, ki so jih zavarovalnice zavezane pridobivati in obdelovati na podlagi zakona, ki ureja preprečevanje pranja denarja in financiranja terorizma;
6. podatki, ki opredeljujejo osebni oziroma finančni položaj, življenjski slog oziroma navade, obstoječe ali želeno zavarovalno kritje, motiv za sklenitev zavarovanja, finančno znanje, izkušnje oziroma finančno pismenost zavarovalca, podatki o zmožnosti kritja izgub, ciljih naložbe ter stopnji dovoljenega tveganja oziroma podatki o drugih osebnih okoliščinah, ki jih prostovoljno posreduje zavarovalec, ter so primerni in potrebni za ugotavljanje potreb in zahtev, ocenjevanje primernosti in ustreznosti, izdajo osebnega priporočila zavarovalcu oziroma izvedbo svetovanja zavarovalnice na podlagi poštene in osebne analize.

(5) V zbirki podatkov iz 2. točke drugega odstavka tega člena se ob upoštevanju namena obdelave podatkov lahko zbirajo naslednji osebni podatki:
1. osebno ime, spol, datum in kraj rojstva, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje, datum smrti, davčna številka, vrsta in številka osebnega dokumenta in državljanstvo v škodnem dogodku udeleženih oseb, prič in upravičencev do odškodnine oziroma zavarovalnine;

2. oznaka škodnega spisa, datum vložitve zahtevka in izplačila odškodnine oziroma zavarovalnine;
3. vrsta, kraj, čas in opis zavarovalnega primera;
4. opis materialne in nematerialne škode, nastale v zavarovalnem primeru;

1. personal name, gender, date and place of birth, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service, date of death, tax number, type and number of personal document of the policyholder or insured person and, in the case of health insurance, the ZZZS number of the insured person;
2. name of the insurance undertaking, number of the policy, duration of insurance and insurance coverage;
3. data referring to the subject of insurance;
4. insurance undertakings that provide supplementary voluntary health insurance may also collect, in addition to the data referred to in point 1 of this paragraph, the personal identification number to simplify the exercising of rights of insured persons;
5. data that insurance undertakings are obliged to acquire and process pursuant to the Act governing the prevention of money laundering and terrorist financing;
6. data defining personal or financial situation, lifestyle or habits, existing or desired insurance coverage, motive for taking out insurance, financial know-how, experience or financial literacy of the policyholder, information on the ability to cover losses, investment objectives and the level of risk allowed or data on other personal circumstances voluntarily provided by the policyholder, which are appropriate and necessary for determining the needs and requirements, assessing suitability and adequacy, issuing a personal recommendation to the policyholder, or providing advice on the basis of a fair and personal analysis.

(5) Taking into account the purpose of data processing, the following personal data may be collected in the filing system referred to in point 2 of paragraph two of this Article:
1. personal name, gender, date and place of birth, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service, date of death, tax number, type and number of personal document and nationality of the persons involved in the loss event, witnesses and beneficiaries of indemnities or benefits;
2. designation of the claim file, date of submission of the claim and payment of indemnities or benefits;
3. type, place, time and description of the insurance case;
4. description of pecuniary and non-pecuniary damage incurred in the insurance case;

5. podatki o kaznivih dejanjih in prekrških v zvezi z zavarovalnimi primeri.

(6) V zbirki podatkov iz 3. točke drugega odstavka tega člena se ob upoštevanju namena obdelave podatkov lahko zbirajo naslednji osebni podatki:

1. osebno ime, spol, datum in kraj rojstva, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje, datum smrti, davčna številka, vrsta in številka osebnega dokumenta zavarovanca in oškodovanca, za katerega se ugotavlja zavarovalno kritje in odškodnina oziroma zavarovalnina;

2. o predhodnih zavarovalnih primerih v obsegu iz prejšnjega odstavka ter podatki o upoštevnem zdravstvenem stanju zavarovanca in oškodovanca, vključno z zagotavljanjem zdravstvenih storitev, predhodnimi poškodbami in zdravstvenem stanju, vrsti telesnih poškodb, trajanjem zdravljenja in posledicami za oškodovanca in zavarovalca;
3. dohodki zavarovanca in oškodovanca ter zaposlitev;
4. upokojitve (redne in invalidske), prekvalifikacije in stopnje invalidnosti zavarovanca in oškodovanca;
5. stroški za medicinsko oskrbo, zdravila in medicinske pripomočke zavarovanca in oškodovanca;
6. upravičenosti do kritja razlike do polne vrednosti zdravstvenih storitev po zakonu, ki ureja zdravstveno zavarovanje, iz proračunskih sredstev Republike Slovenije;
7. podatki o vozniškem dovoljenju;
8. historični podatki o zgodovini predmeta zavarovanja.

(7) V zbirki podatkov iz 4. točke drugega odstavka tega člena se ob upoštevanju namena obdelave podatkov lahko od stranke zbirajo naslednji osebni podatki, ki jih ta prostovoljno razkrije:

1. osebno ime, spol, datum in kraj rojstva, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje, datum smrti, davčna številka, vrsta in številka osebnega dokumenta potencialnega zavarovalca oziroma zavarovanca, v primeru zdravstvenega zavarovanja pa tudi ZZZS številka zavarovane osebe;
2. ime zavarovalnice, številka police, trajanje zavarovanja in zavarovalno kritje;
3. podatki, ki se nanašajo na potencialni predmet zavarovanja;

5. data on criminal offences and minor offences related to the insurance case.

(6) Taking into account the purpose of data processing, the following personal data may be collected in the filing system referred to in point 3 of paragraph two of this Article:

1. personal name, gender, date and place of birth, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service, date of death, tax number, type and number of personal document of the insured person and injured party for whom the insurance coverage and indemnities or benefits are assessed;
2. prior insurance cases to the extent referred to in the preceding paragraph and data on the relevant medical condition of the insured person and injured party, including the provision of medical services, previous injuries and medical condition, type of bodily injuries, duration of medical treatment and consequences for the injured party and the insured person;
3. income of the insured person and injured party and employment;
4. retirement (regular and due to disability), retraining and disability level of the insured person and injured party;
5. costs of medical treatment, medications and medical devices for the insured person and injured party;
6. eligibility for coverage of the difference to the full value of health care services pursuant to the Act governing health insurance from the budget funds of the Republic of Slovenia;
7. driving licence data;
8. historical data of the history of the subject of insurance.

(7) Taking into account the purpose of data processing, the following personal data voluntarily disclosed by the client may be collected in the filing system referred to in point 4 of paragraph two of this Article:

1. personal name, gender, date and place of birth, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service, date of death, tax number, type and number of personal document of a potential policyholder or insured person and, in the case of health insurance, the ZZZS number of the insured person;
2. name of the insurance undertaking, number of the policy, duration of insurance and insurance coverage;
3. data referring to the potential subject of insurance;

4. zavarovalnice, ki izvajajo dopolnilno prostovoljno zdravstveno zavarovanje, lahko z namenom lažjega uresničevanja pravic zavarovancev poleg podatkov iz 1. točke tega odstavka zbirajo tudi enotno matično številko občana;
5. podatki, ki so jih zavarovalnice zavezane pridobivati in obdelovati na podlagi zakona, ki ureja preprečevanje pranja denarja in financiranja terorizma, ter
6. podatki, ki opredeljujejo osebni oziroma finančni položaj, življenjski slog oziroma navade, obstoječe ali želeno zavarovalno kritje, motiv za sklenitev zavarovanja, finančno znanje, izkušnje oziroma finančno pismenost zavarovalca, podatki o zmožnosti kritja izgub, ciljih naložbe ter stopnji dovoljenega tveganja oziroma podatki o drugih osebnih okoliščinah, ki jih posreduje zavarovalec, ter so primerni in potrebni za ugotavljanje potreb in zahtev, ocenjevanje primernosti in ustreznosti, izdajo osebnega priporočila zavarovalcu oziroma izvedbo svetovanja zavarovalnice na podlagi poštene in osebne analize;

7. podatki o upoštevnem zdravstvenem stanju zavarovanca, vključno z zagotavljanjem zdravstvenih storitev, predhodnih poškodbah in zdravstvenem stanju, vrsti telesnih poškodb, trajanju zavarovanja in posledicah za zavarovanca.

(8) Osebni podatki iz četrtega, petega, šestega in sedmega odstavka tega člena se zbirajo na naslednji način:
1. praviloma neposredno od posameznika, na katerega se nanašajo;
2. od drugih oseb, ki o zavarovalnem primeru kaj vedo, razen podatkov iz 6. točke četrtega odstavka in sedmega odstavka tega člena;

3. če gre za primere iz 270. člena tega zakona, iz zbirk podatkov posameznih zavarovalnic in Slovenskega zavarovalnega združenja;

4. podatki iz 3. točke četrtega odstavka tega člena, vključno s podatkom o lastniku nepremičnine oziroma dela nepremičnine, se lahko zbirajo tudi iz Registra nepremičnin;
5. podatki iz 1., 3., 4. in 5. točke petega odstavka tega člena se lahko zbirajo tudi iz zbirk podatkov državnih organov;
6. podatki iz šestega odstavka tega člena se lahko zbirajo tudi:
   - podatki iz 2. in 5. točke: iz zbirk podatkov izvajalcev zdravstvenih in z njimi povezanih storitev ter Zavoda za zdravstveno zavarovanje,

   - podatki iz 3. točke: iz zbirk podatkov delodajalca, Zavoda za

4. insurance undertakings that provide supplementary voluntary health insurance may also collect, in addition to the data referred to in point 1 of this paragraph, the personal identification number to simplify the exercising of rights of insured persons;
5. data that insurance undertakings are obliged to acquire and process pursuant to the Act governing the prevention of money laundering and terrorist financing;
6. data defining personal or financial situation, lifestyle or habits, existing or desired insurance coverage, motive for taking out insurance, financial know-how, experience or financial literacy of the policyholder, information on the ability to cover losses, investment objectives and the level of risk allowed or data on other personal circumstances provided by the policyholder, which are appropriate and necessary for determining the needs and requirements, assessing suitability and adequacy, issuing a personal recommendation to the policyholder, or providing advice on the basis of a fair and personal analysis;
7. data on the relevant medical condition of the insured person, including the provision of medical services, previous injuries and medical condition, type of bodily injuries, duration of insurance and consequences for the insured person.

(8) Personal data referred to in paragraphs four, five, six and seven of this Article shall be collected in the following manner:
1. as a rule, directly from the individual to whom they relate;
2. from other persons having some knowledge of the insurance case, except data referred to in point 6 of paragraph four and paragraph seven of this Article;
3. from data filing systems of individual insurance undertakings and the Slovenian Insurance Association in cases referred to in Article 270 of this Act;
4. data referred to in point 3 of paragraph four of this Article, including data on the owner of real property or part of real property, may also be collected from the Real Property Register;
5. data referred to in points 1, 3, 4 and 5 of paragraph five of this Article may also be collected from the data filing systems of state authorities;
6. data referred to in paragraph six of this Article may also be collected:
   - data referred to in points 2 and 5: from the data filing systems of health care and related service providers and of the Health Insurance Institute of Slovenia,
   - data referred to in point 3: from the data filing systems of employers,

pokojninsko in invalidsko zavarovanje ter centrov za socialno delo,

- podatki iz 4. točke: iz zbirk podatkov Zavoda za pokojninsko in invalidsko zavarovanje,
- podatki iz 6. točke: iz zbirk podatkov Zavoda za zdravstveno zavarovanje Slovenije in ministrstva, pristojnega za socialne zadeve,
- podatki iz 7. in 8. točke: iz zbirk podatkov ministrstva, pristojnega za promet oziroma za infrastrukturo, in organizacij, ki opravljajo homologiranje in registracijo vozil;

7. od drugih upravljavcev zbirk podatkov, ki hranijo podatke, ki jih lahko zavarovalnice in Slovensko zavarovalno združenje pridobivajo in zbirajo v skladu s tem zakonom, razen podatkov iz 6. točke četrtega odstavka in sedmega odstavka tega člena.

(9) Zavarovalnice imajo za namen posamičnih potreb po zagotavljanja točnosti in posodabljanja osebnih podatkov o zavarovalcih, zavarovancih ter drugih upravičencih do odškodnine ali zavarovalnine iz četrtega ali petega odstavka tega člena pravico na podlagi elektronske izmenjave brezplačno pridobivati podatke iz Centralnega registra prebivalstva, in sicer ves čas trajanja obligacijskega razmerja med stranko in zavarovalnico ali drugega pravnega razmerja s tretjo osebo, ki vpliva na obligacijsko razmerje med stranko in zavarovalnico, in sicer zlasti ob uvedbi izvršbe, ob uveljavljanju regresnih zahtevkov, ob obnovitvi zavarovalne pogodbe, ob reševanju zahtevkov, ob ugotavljanju sumljivih okoliščin, ob neodzivnosti pri pozivanju v okviru reševanja zahtevkov ali izplačevanju rente.

(10) Slovensko zavarovalno združenje ima za namen zagotavljanja točnosti in posodabljanja osebnih podatkov o v škodnem dogodku udeleženih oseb, zavarovalcev in upravičencev do odškodnine iz četrtega ali petega odstavka tega člena, in sicer za namen izvajanja obveznosti Škodnega sklada pri Slovenskem zavarovalnem združenju, kot so urejene z zakonom, ki ureja obvezna zavarovanja v prometu, pravico na podlagi elektronske izmenjave brezplačno pridobivati podatke iz Centralnega registra prebivalstva, in sicer ves čas obravnavanja in reševanja zahtevkov ter izpolnjevanja obveznosti iz zahtevkov, zlasti ob uvedbi izvršbe, ob uveljavljanju regresnih zahtevkov, ob reševanju zahtevkov, ob ugotavljanju sumljivih okoliščin, ob neodzivnosti pri pozivanju v okviru reševanja zahtevkov ali ob izplačevanju rente.

the Pension and Disability Insurance Institute of Slovenia and social work centres,

- data referred to in point 4: from the data filing systems of the Pension and Disability Insurance Institute of Slovenia,
- data referred to in point 6: from the data filing systems of the Health Insurance Institute of Slovenia and ministry responsible for social affairs,
- data referred to in points 7 and 8: from the data filing systems of the ministry responsible for transport or infrastructure and organisations that carry out type approval and registration of vehicles;

7. from other data controllers that store data which insurance undertakings and the Slovenian Insurance Association may acquire and collect pursuant to this Act, except data referred to in point 6 of paragraph four and paragraph seven of this Article.

(9) For the purpose of individual needs for ensuring accuracy and updating personal data on policyholders, insured persons and other beneficiaries of indemnities or benefits referred to in paragraph four or five of this Article, insurance undertakings shall have the right to obtain free of charge data from the Central Population Register through electronic exchange during the entire duration of the contractual relationship between the client and the insurance undertaking or other legal relationship with a third party that affects the contractual relationship between the client and the insurance undertaking, particularly when enforcement is initiated, when subrogation claims are made, upon renewal of an insurance contract, when claims are resolved, when investigating suspicious circumstances, or upon a lack of response in connection with claim settlement or annuity payments.

(10) For the purpose of ensuring accuracy and updating personal data on the persons involved in a loss event, policyholders and other beneficiaries of indemnity referred to in paragraph four or five of this Article, i.e. for the purpose of fulfilling the obligations of the Guarantee Fund of the Slovenian Insurance Association as set out by the Act governing compulsory insurance in transport, the Slovenian Insurance Association shall have the right to obtain free of charge data from the Central Population Register through electronic exchange during the entire time of dealing with and resolving claims and fulfilling the obligations arising therefrom, particularly when enforcement is initiated, when subrogation claims are made, upon renewal of an insurance contract, when claims are resolved, when investigating suspicious circumstances,

(11) Državni organi, organi samoupravnih lokalnih skupnosti, javne agencije, javni skladi in druge osebe javnega prava ter nosilci javnih pooblastil in izvajalci javnih služb, ki imajo podatke oziroma zbirke podatkov iz tega člena, razen podatke iz 6. točke četrtega odstavka in sedmega odstavka tega člena, te podatke na pisno zahtevo sporočijo zavarovalnici ali Slovenskemu zavarovalnemu združenju.

(12) Podatki iz 1. točke drugega odstavka tega člena se shranjujejo deset let po prenehanju zavarovalne pogodbe, v primeru nastanka zavarovalnega primera deset let po koncu obdelave zavarovalnega primera, v primeru sodnega postopka izterjave neplačanih obveznosti iz naslova zavarovalnih pogodb deset let po zaključku sodnega postopka in v primeru, če se nanašajo na dopolnilno zdravstveno zavarovanje, skladno s predpisi o zdravstvenem varstvu in zdravstvenem zavarovanju, deset let po smrti zavarovanca ali prenehanju zavarovanja. Podatki iz 2. in 3. točke drugega odstavka tega člena se shranjujejo deset let po koncu obdelave zavarovalnega primera. Če zavarovanec ali oškodovanec v tem roku vloži ali če se utemeljeno pričakuje vložitev novega zahtevka za uveljavitev pravic iz zavarovalnega primera po poteku tega roka, se rok hrambe po potrebi podaljša tako, da se podatki hranijo do pet let po koncu obdelave novega zahtevka oziroma dokler traja možnost vložitve novega utemeljenega zahtevka. Podatki iz 4. točke drugega odstavka tega člena se shranjujejo najdlje do trenutka sklenitve zavarovalne pogodbe ali najdlje tri mesece od zaključka pogajanj za sklenitev zavarovalne pogodbe, vendar ne dlje kot šest mesecev od dneva njihove pridobitve. Najkasneje s prvim dnem naslednjega meseca od poteka roka hrambe se podatki iz zbirk podatkov iz drugega odstavka tega člena zbrišejo, uničijo ali nepovratno anonimizirajo, dokumentacija pa se uniči tako, da ni več možno ugotoviti njene vsebine oziroma je ni več možno ponovno uporabljati.

(13) Zavarovalnice lahko pridobivajo podatke iz četrtega odstavka tega člena (osebno ime, spol, datum in kraj rojstva, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za

or upon a lack of response in connection with claim settlement or annuity payments.

(11) State authorities, bodies of self-governing local communities, public agencies, public funds, other entities of public law and holders of public powers and public service contractors which keep data or data filing systems referred to in this Article, except data referred to in point 6 of paragraph four and paragraph seven of this Article, shall submit this data to an insurance undertaking or to the Slovenian Insurance Association upon its written request.

(12) Data referred to in point 1 of paragraph two of this Article shall be stored for ten years after the expiry of an insurance contract; in the case of an insurance case, data shall be stored for ten years after the insurance case has been processed; in the case of court proceedings for recovery of unpaid obligations arising from insurance contracts, data shall be stored for ten years after the court proceedings are concluded, and in the case where data refer to supplementary health insurance, data shall be stored for ten years following the insured person's death or termination of insurance in accordance with health care and health insurance regulations. Data referred to in points 2 and 3 of paragraph two of this Article shall be stored for ten years after the insurance case has been processed. If either an insured person or injured party file or are reasonably expected to file a new claim to exercise rights from the insurance case after the expiry of the period in which data is stored, the duration of storage of data shall be extended if necessary, whereby data shall be stored for up to five years after the processing of the new claim is concluded or until there is a possibility of filing a new reasonable claim. Data referred to in point 4 of paragraph two of this Article shall be stored at the latest until the moment of conclusion of an insurance contract or for a maximum of three months from the end of negotiations to conclude an insurance contract, but not for more than six months from the date of their acquisition. No later than on the first day of the following month from the expiry of the storage period, data from the data filing systems referred to in paragraph two of this Article shall be erased, destroyed or irrevocably anonymised and the documentation destroyed so that its contents can no longer be determined or reused.

(13) Insurance undertakings may acquire data referred to in paragraph four of this Article (personal name, gender, date and place of birth, address of permanent or temporary residence or address of

vročanje, davčna številka, vrsta in številka osebnega dokumenta zavarovalca oziroma zavarovanca, ki je lastnik oziroma uporabnik oziroma voznik predmeta zavarovanja, podatki, ki se nanašajo na predmet zavarovanja, ime zavarovalnice, številka police, trajanje zavarovanja in zavarovalno kritje) in šestega odstavka tega člena (osebno ime, spol, datum in kraj rojstva, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje, davčna številka, vrsta in številka osebnega dokumenta zavarovanca in oškodovanca, ki je lastnik oziroma uporabnik oziroma voznik predmeta zavarovanja, za katera se ugotavlja zavarovalno kritje in odškodnina oziroma zavarovalnina, podatki o vozniškem dovoljenju, historični podatki o predmetu zavarovanja) za namen sklepanja in izvajanja pogodb o zavarovanjih iz 3. in 10. točke drugega odstavka 7. člena tega zakona tudi preko elektronske izmenjave do evidence motornih vozil in evidence vozniških dovoljenj, ki ju vodi pristojni državni organ.

(14) Zavarovalnice lahko pridobivajo podatke iz četrtega odstavka tega člena (osebno ime, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje zavarovalca oziroma zavarovanca, ki je lastnik predmeta zavarovanja, podatki, ki se nanašajo na predmet zavarovanja, ime zavarovalnice, številka police) in šestega odstavka tega člena (osebno ime, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje zavarovanca in oškodovanca, ki je lastnik predmeta zavarovanja, za katerega se ugotavlja zavarovalno kritje in odškodnina oziroma zavarovalnina, historični podatki o predmetu zavarovanja) za namen sklepanja in izvajanja pogodb o zavarovanju iz 6. in 12. točke drugega odstavka 7. člena tega zakona tudi preko elektronske izmenjave do vpisnika morskih čolnov, ki ga vodi pristojni državni organ.

(15) Zavarovalnice lahko pridobivajo podatke iz četrtega odstavka tega člena (osebno ime, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje zavarovalca oziroma zavarovanca, ki je lastnik predmeta zavarovanja, podatki, ki se nanašajo na predmet zavarovanja, ime zavarovalnice, številka police) in šestega odstavka tega člena (osebno ime, stalno in začasno prebivališče oziroma stalni in začasni naslov v tujini, naslov za vročanje zavarovanca in oškodovanca, ki je lastnik predmeta zavarovanja, za katerega se

permanent or temporary residence abroad, address for service, tax number, type and number of personal document of the policyholder or insured person who is the owner or user or driver of the subject of insurance, data relating to the subject of insurance, name of insurance undertaking, number of policy, period of insurance and insurance coverage) and paragraph six of this Article (personal name, gender, date and place of birth, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service, tax number, type and number of personal document of the insured person and injured party who is the owner or user or driver of the subject of insurance for which insurance coverage and indemnity or benefit are determined, data on the driving licence, historical data on the subject of insurance) for the purpose of conclusion and performance of insurance contracts referred to in points 3 and 10 of paragraph two of Article 7 of this Act also through electronic exchange of the records on motor vehicles and driving licences kept by the competent state authority.

(14) Insurance undertakings may acquire data referred to in paragraph four of this Article (personal name, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service of the policyholder or insured person who is the owner of the subject of insurance, data relating to the subject of insurance, name of insurance undertaking, number of policy) and paragraph six of this Article (personal name, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service of the insured person and injured party who is the owner of the subject of insurance for which insurance coverage and indemnity or benefit are determined, historical data on the subject of insurance) for the purpose of conclusion and performance of insurance contracts referred to in points 6 and 12 of paragraph two of Article 7 of this Act also through electronic exchange of data from the register of marine boats kept by the competent state authority.

(15) Insurance undertakings may acquire data referred to in paragraph four of this Article (personal name, address of permanent or temporary residence or address of permanent or temporary residence abroad, address for service of the policyholder or insured person who is the owner of the subject of insurance, data relating to the subject of insurance, name of insurance undertaking, number of policy) and paragraph six of this Article (personal name, address of permanent or temporary residence or address of permanent or temporary residence

ugotavlja zavarovalno kritje in odškodnina oziroma zavarovalnina, historični podatki o predmetu zavarovanja) za namen sklepanja in izvajanja pogodb o zavarovanju iz 5. in 11. točke drugega odstavka 7. člena tega zakona tudi preko elektronske izmenjave do registra zrakoplovov in evidence letalnih naprav Republike Slovenije, ki ju vodi pristojni državni organ.

(16) Zavarovalnice in Slovensko zavarovalno združenje lahko za namen sklepanja in izvajanja pogodb o zavarovanju iz drugega odstavka 7. člena tega zakona ter za obravnavo odškodninskih zahtevkov iz teh pogodb pridobijo vse potrebne podatke za ta namen tudi z elektronsko izmenjavo zapisnikov policije o prometnih nesrečah. Slovensko zavarovalno združenje vse predhodno naročene zapisnike policije o prometnih nesrečah hrani v lastni elektronski zbirki podatkov policijskih zapisnikov. Podatki se hranijo najdlje deset let od datuma pridobitve policijskega zapisnika. Po preteku roka za shranjevanje se podatki zbrišejo, uničijo ali nepovratno anonimizirajo, dokumentacija pa se uniči tako, da ni več možno ugotoviti njene vsebine oziroma je ni več možno ponovno uporabljati.

(17) Za namen pridobivanja podatkov iz trinajstega do šestnajstega odstavka tega člena se zavarovalnicam podatki iz teh odstavkov, ki se vodijo v predhodno navedenih evidencah, posredujejo preko Slovenskega zavarovalnega združenja, vendar zgolj tisti podatki, ki so relevantni za konkretno zavarovanje. Pri tem morata biti zagotovljena možnost preverjanja pravne podlage, namena posredovanja podatkov, kdo in kdaj je pridobival podatke ter katere podatke je pridobival in nadalje obdeloval, in sicer za obdobje, ko je mogoče zakonsko varstvo posameznika zaradi nedopustnega posredovanja osebnih podatkov.

(18) Kadar iz spornih okoliščin zavarovalnega primera sledi, da gre za kaznivo dejanje goljufije na področju zavarovalništva oziroma povzročitev zavarovalnega primera z namenom ali s prevaro, kar mora biti ugotovljeno na podlagi pravnomočne obsodilne sodbe sodišča, lahko zavarovalnice davčno številko obsojenca ter informacijo o storitvi kaznivega dejanja oziroma povzročitvi zavarovalnega primera hranijo, dokler ni pravnomočna obsodilna sodba pravnomočno razveljavljena, spremenjena, odpravljena ali izbrisana iz kazenske evidence oziroma

abroad, address for service of the insured person and injured party who is the owner of the subject of insurance for which insurance coverage and indemnity or benefit is determined, historical data on the subject of insurance) for the purpose of conclusion and performance of insurance contracts referred to in points 5 and 11 of paragraph two of Article 7 of this Act also through electronic exchange of data from the register of aircraft and records on flying machines of the Republic of Slovenia kept by the competent state authority.

(16) Insurance undertakings and the Slovenian Insurance Association may acquire all the necessary data for the purpose of conclusion and performance of insurance contracts referred to in paragraph two of Article 7 of this Act and for dealing with claims under these contracts also through electronic exchange of police traffic accident reports. The Slovenian Insurance Association shall keep all previously ordered police traffic accident reports in its own electronic data filing system for police reports. Data shall be stored for a maximum of ten years from the date of receipt of a police report. After the expiry of the retention period, data shall be erased, destroyed or irrevocably anonymised and the documentation destroyed so that its contents can no longer be determined or reused.

(17) For the purpose of acquiring data referred to in paragraphs thirteen to sixteen of this Article, data referred to in these paragraphs, which shall be kept in the aforementioned records, shall be transmitted to insurance undertakings through the Slovenian Insurance Association, but only those data that are relevant to specific insurance. In doing so it must be possible to verify the legal bases, the purpose of transmitting data, by who and when were data acquired and which data were acquired and further processed for the period in which legally determined protection of an individual’s right due to prohibited transmission of personal data may be determined.

(18) Where disputable circumstances of an insurance case indicate that the criminal offence of fraud in insurance business is involved or that an insurance case was a result of intent or fraud, which must be established on the basis of a final conviction of the court, insurance undertakings shall keep the convicted person's tax number and information on committing the criminal offence or causing the insurance case until the final conviction is finally annulled, modified, repealed or erased from the criminal record or for a maximum of ten years from the

najdlje deset let, štetih od dneva pravnomočnosti obsodilne sodbe, ter lahko te podatke med seboj tudi izmenjujejo z namenom preprečitve nadaljnjih zavarovalniških goljufij. Po preteku roka za shranjevanje se podatki zbrišejo, uničijo ali nepovratno anonimizirajo, dokumentacija pa se uniči tako, da ni več možno ugotoviti njene vsebine oziroma je ni več možno ponovno uporabljati. O hrambi in izmenjavi podatkov med zavarovalnicami mora biti posameznik obveščen najkasneje takrat, ko so bili podatki posredovani drugim zavarovalnicam.

269. člen
(obdelava osebnih in drugih podatkov za namen ugotavljanja spornih okoliščin zavarovalnega primera)

(1) Slovensko zavarovalno združenje sme osebne in druge podatke iz zbirk podatkov zavarovalnic in Slovenskega zavarovalnega združenja, ki se vodijo v skladu z drugim odstavkom prejšnjega člena, obdelovati tudi za namen ugotavljanja spornih okoliščin zavarovalnega primera (na primer neobičajna pogostost zavarovalnih primerov pri posameznem zavarovancu ali oškodovancu, prepovedano dvojno zavarovanje, zavarovalni primeri s ponavljajočo se udeležbo istih zavarovancev ali udeležencev).

(2) Kadar Slovensko zavarovalno združenje iz podatkov o zavarovalnih primerih ugotovi določene sporne okoliščine, o njih obvesti zavarovalnice, ki obravnavajo zahtevke iz teh dogodkov.

(3) Slovensko zavarovalno združenje vodi evidenco o ugotovljenih spornih okoliščinah s podatki iz prvega odstavka tega člena pet let od dne pošiljanja sporočila zavarovalnicam. Po poteku roka za shranjevanje se podatki iz evidenc izbrišejo, dokumentacija pa se uniči tako, da ni več možno ugotoviti njene vsebine oziroma je ni več možno ponovno uporabljati.

270. člen
(izmenjava osebnih podatkov o spornih zavarovalnih primerih med zavarovalnicami)

date of the final conviction, and may also exchange this information with the purpose of preventing further insurance fraud. After the expiry of the retention period, data shall be erased, destroyed or irrevocably anonymised and the documentation destroyed so that its contents can no longer be determined or reused. An individual shall be notified of the retention and exchange of data between insurance undertakings at the latest when the data were transmitted to other insurance undertakings.

Article 269
(Processing of personal and other information for the purpose of identifying disputable circumstances of an insurance case)

(1) The Slovenian Insurance Association may also process personal and other information from the data filing systems of insurance undertakings and the Slovenian Insurance Association that are being managed pursuant to paragraph two of the preceding Article, for the purpose of identifying disputable circumstances of an insurance case (for example: unusual frequency of insurance cases for the individual insured person or injured party, prohibited double insurance, insured cases with repeated participation of the same insured persons or other participants).

(2) Where the Slovenian Insurance Association on the basis of the insurance case's data identifies certain disputable circumstances, it shall notify the insurance undertakings dealing with the claims regarding these cases.

(3) The Slovenian Insurance Association shall keep a record of identified disputable circumstances containing data referred to in paragraph one of this Article for five years from notifying insurance undertakings. Following the expiry of the duration of storage of data, the information shall be deleted from records and the documents destroyed in a manner such that it is no longer possible to identify their content or in any way re-use them.

Article 270
(Exchange of personal data regarding disputable insurance cases among insurance undertakings)

(1) Zavarovalnice, ki obravnavajo zahtevke v spornem zavarovalnem primeru, smejo za namen ugotovitve dejanskih okoliščin in v obsegu, ki je potreben, v postopku reševanja zavarovalnega primera ali preiskave sumljivih primerov neupravičeno izplačanih odškodnin oziroma zavarovalnin izmenjati osebne in druge podatke iz zbirk podatkov zavarovalnic in Slovenskega zavarovalnega združenja, ki se vodijo v skladu z drugim odstavkom 268. člena tega zakona, z drugimi zavarovalnicami in Slovenskim zavarovalnim združenjem.

(2) Osebne in druge podatke, potrebne za reševanje zavarovalnega primera, pri katerem so bile ugotovljene sporne okoliščine, zavarovalnice pridobivajo v skladu s 268. členom tega zakona.

(3) Kadar iz spornih okoliščin zavarovalnega primera sledi, da gre za kaznivo dejanje goljufije na področju zavarovalništva, ali kadar zavarovalnica ob opravljanju zavarovalniške dejavnosti izve za obstoj goljufije ali drugega kaznivega dejanja, zavarovalnica v skladu z zakonom, ki ureja kazenski postopek, vloži ovadbo pristojnemu organu, skupaj z že zbranimi dokazili.

(4) Kadar zavarovalnica v postopku reševanja zavarovalnega primera ugotovi, da sporne okoliščine ne vplivajo na obveznosti zavarovalnice po zavarovalni pogodbi, podatke, ki jih je prejela od Slovenskega zavarovalnega združenja oziroma druge zavarovalnice, izbriše v 30 dneh po izplačilu odškodnine oziroma zavarovalnine, dokumentacijo pa uniči tako, da ni več možno ugotoviti njene vsebine oziroma je ni več možno ponovno uporabljati.

(5) Zavarovalnice za analitične in statistične namene Slovenskemu zavarovalnemu združenju enkrat letno poročajo o številu vloženih ovadb po tretjem odstavku tega člena in številu rešenih zavarovalnih primerov po prejšnjem odstavku.

7. poglavje:

NADZOR NAD ZAVAROVALNICAMI

(1) Insurance undertakings may, when dealing with claims in a disputable case, for the purpose of identifying actual circumstances and to the extent necessary, in the process of resolving of an insurance case or investigation of suspicious cases of unduly paid indemnities or benefits, exchange personal and other data from the data filing systems of insurance undertakings and the Slovenian Insurance Association which are kept pursuant to paragraph two of Article 268 of this Act with other insurance undertakings and the Slovenian Insurance Association.

(2) Insurance undertakings shall obtain personal and other data necessary for resolving an insurance case in which disputable circumstances have been identified, pursuant to the Article 268 of this Act.

(3) Where disputable circumstances of an insurance case indicate that the criminal offence of fraud in the field of insurance business is involved or if an insurance undertaking in conducting insurance activities is informed of the existence of fraud or another criminal offence, the insurance undertaking shall submit a criminal report to the competent authority, together with the already collected evidence, pursuant to the Act governing criminal procedure.

(4) Where an insurance undertaking in resolving an insurance case establishes that disputable circumstances do not affect its obligations under an insurance contract, the insurance undertaking shall delete data that it received from the Slovenian Insurance Association or another insurance undertaking, in 30 days after indemnities or benefits were paid, and shall destroy the documents in a manner such that it is no longer possible to identify their content or in any way re-use them.

(5) For analytical and statistical purposes, insurance undertakings shall report once a year to the Slovenian Insurance Association on the number of submitted criminal reports pursuant to paragraph three of this Article and on the number of solved insurance cases pursuant to the preceding paragraph.

Chapter Seven

SUPERVISION OF INSURANCE UNDERTAKINGS

271. člen
(cilj nadzora)

Glavni cilj nadzora, ki ga opravlja Agencija za zavarovalni nadzor, je zaščita zavarovalcev, zavarovancev in drugih upravičencev iz zavarovalnih pogodb.

272. člen
(pristojnost Agencije za zavarovalni nadzor za nadzor nad zavarovalnicami)

(1) Agencija za zavarovalni nadzor je pristojna in odgovorna za nadzor nad zavarovalnico glede poslovanja, ki ga zavarovalnica opravlja na območju Republike Slovenije, na območju države članice in na območju tretje države.

(2) Če je to potrebno za dosego cilja nadzora nad zavarovalnico, lahko Agencija za zavarovalni nadzor od naslednjih oseb zahteva ustrezna poročila in informacije ter opravi pregled njihovega poslovanja:
1. oseb, ki so z zavarovalnico v razmerju tesne povezanosti;
2. prevzemnikov izločenih poslov;
3. namenskih družb, na katere je zavarovalnica prenesla tveganja;

4. imetnikov kvalificiranih deležev v zavarovalnici.

(3) Če je za nadzor nad posamezno osebo iz prejšnjega odstavka pristojen drug nadzorni organ, opravi Agencija za zavarovalni nadzor pregled poslovanja te osebe v sodelovanju s tem nadzornim organom v skladu s 7.2. oddelkom tega zakona.

(4) Agencija za zavarovalni nadzor je pristojna in odgovorna tudi za nadzor nad:
1. člani uprave zavarovalnice v obsegu, določenem v 63. do 65. členu

Article 271
(Objective of supervision)

The main objective of the supervision performed by the Insurance Supervision Agency shall be to protect policyholders, insured persons and other beneficiaries under insurance contracts.

Article 272
(Insurance Supervision Agency's competence for supervision of insurance undertakings)

(1) The Insurance Supervision Agency shall be competent and responsible for the supervision of insurance undertakings regarding their business conducted in the territory of the Republic of Slovenia, a Member State and a third country.

(2) Where necessary to achieve the objective of supervision of an insurance undertaking, the Insurance Supervision Agency may request relevant reports and information from the following persons and perform a review of their business:
1. persons who have close links with the insurance undertaking;
2. service providers;
3. special purpose vehicles to which the insurance undertaking transferred risks;
4. holders of qualifying holdings in the insurance undertaking.

(3) If the supervision of an individual person referred to in the preceding paragraph falls within the competence of another competent authority, the Insurance Supervision Agency shall perform a review of business of this person in cooperation with that competent authority pursuant to the provisions of Section 7.2 of this Act.

(4) The Insurance Supervision Agency shall also be competent and responsible for the supervision of:
1. members of the management board of an insurance undertaking to

tega zakona;
2. imetniki kvalificiranih deležev v obsegu, določenem v 2.4. oddelku tega zakona;
3. nosilci ključnih funkcij zavarovalnice v skladu s 52. členom tega zakona;
4. člani nadzornega sveta zavarovalnice v obsegu, določenem v 67. členu tega zakona;
5. poslovodstvom namenske družbe v skladu z aktom, ki ga sprejme Evropska komisija na podlagi drugega odstavka 211. člena Direktive 2009/138/ES.

273. člen
(pristojnost Agencije za zavarovalni nadzor nad zavarovalnico države članice, njeno podružnico in zunanjim izvajalcem s sedežem v državi članici)

(1) Agencija za zavarovalni nadzor je pristojna in odgovorna za nadzor nad zavarovalnico države članice glede storitev in poslov, ki jih ta opravlja na območju Republike Slovenije, in nad podružnico zavarovalnice države članice, ustanovljeno v Republiki Sloveniji, v obsegu, določenem v 7.10.2. pododdelku tega zakona.

(2) Agencija za zavarovalni nadzor je pristojna za nadzor nad prevzemnikom izločenega posla s sedežem v državi članici v zvezi z opravljanjem izločenih poslov, vendar o nameravanem pregledu v kraju prevzemnika izločenega posla obvesti nadzorni organ države članice, v kateri ima prevzemnik izločenega posla sedež.

(3) Agencija za zavarovalni nadzor lahko v skladu z 19. členom Uredbe 1094/2010 zaprosi za pomoč EIOPA, če od nadzornega organa države članice po obvestilu iz prejšnjega odstavka ne prejme ustreznega sodelovanja ali če nadzorni organ iz države članice opravi nadzor prevzemnika izločenega posla s sedežem v Republiki Sloveniji brez predhodnega obvestila.

274. člen

the extent laid down in Articles 63 to 65 of this Act;
2. holders of qualifying holdings to the extent laid down in Section 2.4 of this Act;
3. holders of key functions in the insurance undertaking pursuant to Article 52 of this Act;
4. members of the management board of an insurance undertaking to the extent laid down in Article 67 of this Act;
5. the special purpose vehicle's management in accordance with the act issued by the European Commission pursuant to Article 211(2) of Directive 2009/138/EC.

Article 273
(Insurance Supervision Agency's competence for supervision of an insurance undertaking from a Member State, its branch and service provider with head office in a Member State)

(1) The Insurance Supervision Agency shall have competence and responsibility for the supervision of an insurance undertaking from a Member State regarding its services and business conducted in the territory of the Republic of Slovenia, and of a branch of an insurance undertaking established in the Republic of Slovenia, to the extent laid down in Subsection 7.10.2 of this Act.

(2) The Insurance Supervision Agency shall have competence and responsibility for the supervision of a service provider with its head office in a Member State in relation to the conducting of outsourced activities, but shall notify the supervisory authority of the Member State where the service provider has its head office, regarding the intended review in the place of the service provider.

(3) The Insurance Supervision Agency may in accordance with Article 19 of Regulation 1094/2010 request EIOPA for assistance, if the supervisory authority of the Member State, following the notification referred to in the preceding paragraph, does not cooperate properly or if the supervisory authority of the Member State performs supervision of a service provider with its head office in the Republic of Slovenia without prior notice.

Article 274

(pristojnost Agencije za zavarovalni nadzor za nadzor nad podružnico zavarovalnice tretje države)

(1) Agencija za zavarovalni nadzor je pristojna in odgovorna za nadzor nad podružnico zavarovalnice tretje države, ustanovljene v Republiki Sloveniji.

(2) Pri podružnici, ki jo ima zavarovalnica tretje države v Republiki Sloveniji ali drugi državi članici, ki je upravičena do ugodnosti iz prvega odstavka 142. člena tega zakona, preverja Agencija za zavarovalni nadzor skladnost z zahtevami glede zavarovalno-tehničnih rezervacij, zahtevanega solventnostnega kapitala in zahtevanega minimalnega kapitala samo, če je pristojna za nadzor celotnega poslovanja podružnic zavarovalnice tretje države v EU.

275. člen
(pristojnost Agencije za zavarovalni nadzor za nadzor nad drugimi osebami)

Agencija za zavarovalni nadzor je pristojna in odgovorna za nadzor nad osebami, ki:
1. v nasprotju z 21. členom tega zakona na območju Republike Slovenije opravljajo zavarovalne posle;
2. opravljajo dejavnost zavarovalnega zastopanja oziroma posredovanja, ne da bi za opravljanje teh dejavnosti pridobile oziroma imele dovoljenje Agencije za zavarovalni nadzor.

276. člen
(uporaba določb o nadzoru)

(1) Za nadzor iz 273. in 274. člena tega zakona se smiselno uporabljajo določbe 7. poglavja tega zakona o nadzoru nad zavarovalnico, razen če zakon za posamezen primer določa drugače.

(2) Za nadzor iz drugega do četrtega odstavka 272. člena tega zakona se smiselno uporabljajo določbe 7.3. in 7.4. oddelkov tega zakona, razen če zakon za posamezen primer drugače določa.

(Insurance Supervision Agency's competence for supervision of a branch of an insurance undertaking from a third country)

(1) The Insurance Supervision Agency shall have competence and responsibility for the supervision of a branch of an insurance undertaking from a third country established in the Republic of Slovenia.

(2) A branch of an insurance undertaking from a third country in the Republic of Slovenia or another Member State which is eligible for the benefits referred to in paragraph one of Article 142 of this Act, shall be verified by the Insurance Supervision Agency regarding compliance with the requirements relating to technical provisions, the solvency capital requirement and the minimum capital requirement, only if it is competent to supervise all the business of branches of an insurance undertaking from a third country in the EU.

Article 275
(Insurance Supervision Agency's competence to supervise other persons)

The Insurance Supervision Agency shall have competence and responsibility for the supervision of persons that:
1. contrary to Article 21 of this Act, conduct insurance business in the territory of the Republic of Slovenia;
2. pursue insurance agency services or insurance brokerage without obtaining or having an authorisation from the Insurance Supervision Agency to conduct these activities.

Article 276
(Application of provisions on supervision)

(1) The provisions of Chapter Seven of this Act on the supervision of an insurance undertaking shall apply, *mutatis mutandis*, to the supervision referred to in Articles 273 and 274 of this Act, unless otherwise provided by an Act for an individual case.

(2) The provisions of Sections 7.3 and 7.4 of this Act shall apply, *mutatis mutandis*, to the supervision referred to in paragraphs two to four of Article 272 of this Act, unless otherwise provided by an Act for

(3) Za nadzor iz prejšnjega člena se smiselno uporabljajo določbe 7. poglavja tega zakona, razen če zakon za posamezen primer določa drugače.

277. člen
(namen in obseg nadzora nad zavarovalnicami)

(1) Agencija za zavarovalni nadzor opravlja nadzor nad zavarovalnico z namenom preverjanja zakonitosti njenega poslovanja, predvsem pa, ali zavarovalnica posluje v skladu s pravili o upravljanju tveganj in drugimi pravili, določenimi s tem zakonom, in predpisi, izdanimi na njegovi podlagi, in drugimi zakoni, ki urejajo opravljanje finančnih storitev, ki jih opravlja zavarovalnica, ter predpisi, izdanimi na njihovi podlagi.

(2) Nadzor Agencije za zavarovalni nadzor je pretežno usmerjen v prihodnost in k tveganjem zavarovalnice.

(3) Agencija za zavarovalni nadzor pri opravljanju nadzora nad zavarovalnico:
1. pregleda in oceni sistem upravljanja iz 50. člena tega zakona ter sistem poročanja iz 279. člena tega zakona,
2. ocenjuje tveganja, ki jim zavarovalnica je ali bi jim lahko bila izpostavljena pri svojem poslovanju, in
3. ocenjuje finančni položaj in tveganja, ki jim zavarovalnica je ali bi jim lahko bila izpostavljena zaradi razmerij z drugimi osebami v zavarovalni skupini.

(4) V pregled in oceno po prejšnjem odstavku sodi zlasti preverjanje in ocena:
1. sistema upravljanja, vključno z lastno oceno tveganj in solventnosti,
2. zavarovalno-tehničnih rezervacij,
3. kapitalske ustreznosti,
4. naložbenih pravil,
5. kakovosti in količine lastnih virov sredstev,
6. skladnosti notranjega modela z zahtevami tega zakona in predpisi o upravljanju tveganj.

an individual case.

(3) The provisions of Chapter Seven of this Act shall apply, *mutatis mutandis*, to the supervision referred to in the preceding paragraph, unless otherwise provided by an Act for an individual case.

Article 277
(Purpose and scope of supervision of insurance undertakings)

(1) The Insurance Supervision Agency shall perform insurance undertaking supervision in order to verify the legality of its business and particularly whether the insurance undertaking operates in line with the risk management rules and other rules laid down by this Act and regulations issued on the basis thereof, and other Acts governing the provision of financial services provided by the insurance undertaking and the regulations issued on the basis thereof.

(2) The main focus of supervision by the Insurance Supervision Agency shall be on the future and risks of an insurance undertaking.

(3) The Insurance Supervision Agency shall, in supervising an insurance undertaking:
1. review and evaluate the governance system referred to in Article 50 of this Act and the reporting system referred to in Article 279 of this Act,
2. evaluate the risks to which an insurance undertaking is, or potentially could be, exposed due to its business, and
3. evaluate the financial condition and risks to which an insurance undertaking is, or potentially could be, exposed due to its relations with other persons within the insurance group.

(4) The review and assessment referred to in the preceding paragraph shall particularly consist of the verification and evaluation of:
1. the governance system, including own risk and solvency assessment,
2. technical provisions,
3. capital adequacy,
4. investment rules,
5. the quality and quantity of own funds,
6. compliance of the internal model with the requirements referred to in this Act and regulations regarding risk management.

(5) Če opravlja zavarovalnica zavarovalne posle v zavarovalni vrsti iz 18. točke drugega odstavka 7. člena tega zakona, Agencija za zavarovalni nadzor preverja in oceni tudi tehnične vire zavarovalnice za opravljanje poslov pomoči.

(6) Agencija za zavarovalni nadzor opravlja pregledovanje in ocenjevanje zavarovalnice z namenom ugotoviti, ali sistem upravljanja iz 50. člena tega zakona ter sistem poročanja iz 279. člena tega zakona, ki ju je vzpostavila zavarovalnica, in lastni viri sredstev zavarovalnice zagotavljajo trden in zanesljiv sistem upravljanja ter ustrezne mehanizme za obvladovanje tveganj, ki jim zavarovalnica je ali bi jim lahko bila izpostavljena pri svojem poslovanju.

(7) Pri nadzoru zavarovalnice upošteva Agencija za zavarovalni nadzor naravo, obseg in zahtevnost tveganj, ki jim je zavarovalnica izpostavljena. Narava, obseg in zahtevnost tveganj zavarovalnice upošteva Agencija za zavarovalni nadzor tudi pri določitvi pogostosti in podrobnosti preverjanja in ocenjevanja.

(8) Agencija za zavarovalni nadzor redno opravlja nadzor nad posamezno zavarovalnico in redno spremlja njeno poslovanje, kar vključuje tako pregledovanje poročil, ki jih je zavarovalnica dolžna pošiljati Agenciji za zavarovalni nadzor, kot tudi opravljanje pregledov poslovanja na mestu samem.

278. člen
(podatki, ki jih je treba zagotoviti za nadzor)

(1) Zavarovalnica na zahtevo Agenciji za zavarovalni nadzor predloži podatke, ki so potrebni za nadzor. Ti podatki vključujejo najmanj podatke, ki so potrebni za:

1. oceno sistema upravljanja, poslov, načel vrednotenja za solventnostne namene, tveganj, sistema upravljanja tveganj in strukture kapitala,
2. sprejem ustreznih odločitev, ki izhajajo iz opravljanja nadzornih pravic

(5) If an insurance undertaking conducts insurance business in the insurance class referred to in point 18 of paragraph two of Article 7 of this Act, the Insurance Supervision Agency shall also verify and evaluate the technical resources of the insurance undertaking to carry out assistance operations.

(6) The Insurance Supervision Agency shall review and evaluate an insurance undertaking for the purpose of establishing whether the governance system referred to in Article 50 of this Act and the reporting system referred to in Article 279 of this Act, established by an insurance undertaking, and the insurance undertaking's own funds, provide for a sound and reliable governance system and suitable mechanisms for risk management to which an insurance undertaking is, or potentially could be, exposed in its business.

(7) In supervising an insurance undertaking, the Insurance Supervision Agency shall take into account the nature, scale and complexity of the risks to which the insurance undertaking is exposed. The Insurance Supervision Agency shall also take into account the nature, scale and complexity of the risks of an insurance undertaking in determining the frequency and details of verification and assessment.

(8) The Insurance Supervision Agency shall regularly supervise an individual insurance undertaking and monitor its business, including reviewing reports which the insurance undertaking must submit to the Insurance Supervision Agency, as well as carrying out reviews of business on the spot.

Article 278
(Information required for supervision)

(1) An insurance undertaking shall, upon request, provide information to the Insurance Supervision Agency which is necessary for the purposes of supervision. This information shall include at least the required information to:

1. assess the governance system, the business they are pursuing, the valuation principles applied for solvency purposes, risks, the risk management system and the capital structure,
2. take appropriate decisions resulting from the exercise of supervisory

in dolžnosti.

(2) Podatki iz prejšnjega odstavka vključujejo tudi podatke v zvezi s pogodbami, ki jih ima zavarovalnica sklenjene z zavarovalnimi posredniki in zavarovalnimi zastopniki ter z zavarovalno posredniškimi in zastopniškimi družbami, ali v zvezi s pogodbami, ki jih zavarovalnica sklene s tretjimi osebami.

(3) Agencija za zavarovalni nadzor lahko zahteva podatke glede zavarovalnice, poleg revizorjev v skladu s tretjim odstavkom 259. člena tega zakona, tudi od drugih zunanjih strokovnjakov, zlasti oseb, ki imajo ustrezno znanje aktuarske ali finančne matematike.

(4) Podatki iz prvih treh odstavkov tega člena vsebujejo:

1. kakovostne in količinske elemente ali kombinacijo teh elementov,
2. pretekle, sedanje ali prihodnje elemente ali kombinacijo teh elementov,
3. podatke iz notranjih ali zunanjih virov ali kombinacijo obojih.

(5) Podatki, ki se jih zagotovi za nadzor:

1. odražajo naravo, obseg in zahtevnost poslovanja zavarovalnice, zlasti tveganj,
2. so dostopni, popolni, primerljivi in dosledni,
3. so ustrezni, zanesljivi in razumljivi.

(6) Zavarovalnice predložijo Agenciji za zavarovalni nadzor podatke v skladu z:
- 272., 273., 274., 275., 276., 277., 278., 280., 284., 293., 294., 296., 297., 298., 299., 300., 304., 323. in 343. členom tega zakona,
- aktom, ki ga izda Evropska komisija na podlagi devetega odstavka 35. člena Direktive 2009/138/ES, in
- izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi desetega odstavka 35. člena Direktive 2009/138/ES.

279. člen
(sistem poročanja)

rights and duties.

(2) The information referred to in the preceding paragraph shall also include information related to contracts concluded by an insurance undertaking with insurance brokers and agents, and with insurance brokerage companies and insurance agency companies, or to contracts concluded by an insurance undertaking with third parties.

(3) The Insurance Supervision Agency may, in addition to auditors pursuant to paragraph three of Article 259 of this Act, require information regarding an insurance undertaking from other external experts, in particular persons having relevant knowledge of actuarial or financial mathematics.

(4) The information referred to in the first three paragraphs of this Article shall include:
1. qualitative or quantitative elements, or any combination thereof,
2. historical, current or prospective elements, or any combination thereof,
3. data from internal or external sources, or any combination thereof.

(5) The information provided for the purpose of supervision shall:
1. reflect the nature, scale and complexity of the business of the insurance undertaking, in particular the risks,
2. be accessible, complete, comparable and consistent,
3. be relevant, reliable and comprehensible.

(6) Insurance undertakings shall submit to the Insurance Supervision Agency information pursuant to:
- Articles 272, 273, 274, 275, 276, 277, 278, 280, 284, 293, 294, 296, 297, 298, 299, 300, 304, 323 and 343 of this Act,
- the act issued by the European Commission pursuant to Article 35(9) of Directive 2009/138/EC, and
- implementing technical standards issued by the European Commission pursuant to Article 35(10) of Directive 2009/138/EC.

Article 279
(Reporting system)

(1) Zavarovalnica vzpostavi ustrezen sistem poročanja za izpolnjevanje zahtev glede predložitve podatkov, potrebnih za nadzor.

(2) Uprava zavarovalnice sprejme pisna pravila, ki omogočajo stalno ustreznost predloženih podatkov.

(3) Zavarovalnica in druge osebe, ki poročajo podatke na podlagi tega zakona ali aktov, ki jih izda Evropska komisija na podlagi Direktive 2009/138/ES, pridobijo in pri poročanju uporabljajo nadnacionalno identifikacijsko oznako pravnega subjekta. Osebe iz prejšnjega stavka pridobijo in pri poročanju uporabljajo nadnacionalno identifikacijsko oznako pravnega subjekta tudi za vse pravne osebe v skupini, za katere se zahtevajo podatki v okviru njihovih obveznosti.

(4) Agencija za zavarovalni nadzor predpiše način pridobitve in roke, ki so povezani s pridobitvijo nadnacionalne identifikacijske oznake pravnega subjekta. Ne glede na prejšnji odstavek lahko Agencija za zavarovalni nadzor v predpisu iz prejšnjega stavka določi ožji krog oseb, ki so dolžne pridobiti nadnacionalno identifikacijsko oznako pravnega subjekta.

280. člen
(način opravljanja nadzora)

(1) Agencija za zavarovalni nadzor opravlja nadzor nad zavarovalnicami:
1. s spremljanjem, zbiranjem in preverjanjem poročil in obvestil zavarovalnice in drugih oseb, ki so po tem zakonu oziroma drugih zakonih dolžne poročati Agenciji za zavarovalni nadzor oziroma jo obveščati o posameznih dejstvih in okoliščinah;
2. z opravljanjem pregledov poslovanja zavarovalnice;
3. z izrekanjem ukrepov nadzora.

(2) V okviru nadzora lahko Agencija za zavarovalni nadzor razvije količinska orodja za oceno zmožnosti soočanja zavarovalnic z morebitnimi dogodki ali prihodnjimi spremembami v gospodarskih

(1) Insurance undertakings shall establish a suitable reporting system to fulfil the requirements regarding the submission of information needed for supervision.

(2) The management board of an insurance undertaking shall adopt written rules which enable the ongoing appropriateness of the information submitted.

(3) Insurance undertakings and other persons that report information on the basis of this Act or acts issued by the European Commission pursuant to Directive 2009/138/EC shall acquire, and, when reporting, use a multinational identification code of the legal person. The persons referred to in the preceding sentence shall acquire and, when reporting, use the multinational identification code of the legal entity also for all legal persons within the group for which information is required in relation to their obligations.

(4) The Insurance Supervision Agency shall prescribe the manner of obtaining and deadlines for obtaining the multinational identification code of a legal entity. Notwithstanding the preceding paragraph, the Insurance Supervision Agency may determine a narrow list of persons which shall be required to obtain the multinational identification code of a legal entity.

Article 280
(Method of exercising supervision)

(1) The Insurance Supervision Agency shall conduct its supervision of insurance undertakings:
1. by monitoring, collecting and verifying reports and notifications of an insurance undertaking and other persons that, pursuant to this Act or other Acts, are required to report to the Insurance Supervision Agency or to notify it of individual facts and circumstances;
2. by reviewing business of the insurance undertaking;
3. by imposing supervisory measures.

(2) Within its supervision, the Insurance Supervision Agency may develop quantitative tools to assess the ability of insurance undertakings to manage potential events or future changes in economic

razmerah, ki bi neugodno vplivali na finančni položaj zavarovalnice. Na zahtevo Agencije za zavarovalni nadzor zavarovalnica opravi ustrezne preizkuse.

280.a člen
(prijava kršitev)

(1) Agencija za zavarovalni nadzor vzpostavi sistem obveščanja o kršitvah, ki je namenjen zlasti zaposlenim pri distributerjih zavarovalnih produktov iz 7.f člena tega zakona, da lahko Agenciji za zavarovalni nadzor podajo prijavo domnevnih kršitev določb iz 12.2 oddelka in 15. poglavja tega zakona.

(2) Agencija za zavarovalni nadzor v zvezi s sistemom obveščanja iz prejšnjega odstavka zagotovi:

1. enostaven in lahko dostopen način posredovanja prijav kršitev,
2. interne postopke za sprejem in obravnavo prijav, vključno s poročanjem o ugotovitvah v zvezi s prejetimi prijavami ter izvedenih aktivnostih.

(3) Agencija za zavarovalni nadzor zagotovi:

1. ustrezno varstvo osebnih podatkov oseb, ki so podale prijavo, in oseb, ki so domnevno odgovorne za kršitev, v skladu z določbami zakona, ki ureja varstvo osebnih podatkov, in določbami tega zakona ter
2. da vse podatke o osebah, ki so podale prijavo, obravnava kot zaupne.

(4) Podatkov o osebi, ki je podala prijavo, ni dovoljeno razkriti brez soglasja te osebe, razen kadar je razkritje identitete te osebe v skladu z zakonom nujno za izvedbo upravnih ali sodnih postopkov. Agencija za zavarovalni nadzor zavarovalnici, zavarovalno zastopniški družbi, zavarovalno posredniški družbi in zastopnikom dopolnilnih zavarovanj iz tretjega odstavka 558. člena tega zakona ne sme razkriti podatkov o osebi, ki je podala prijavo, in si mora prizadevati, da se pri ugotavljanju in obravnavi kršitev, ki so predmet prijave, prepreči razkritje identitete te osebe.

conditions having adverse effects on their financial condition. At the request of the Insurance Supervision Agency, an insurance undertaking shall conduct appropriate tests.

Article 280a
(Reporting of violations)

(1) The Insurance Supervision Agency shall establish a violation reporting system, which shall be intended especially for employees of an insurance distributor referred to in Article 7f of this Act, in order to be able to report alleged violations of the provisions of Section 12.2. and Chapter Fifteen of this Act to the Insurance Supervision Agency.

(2) With regard to the reporting system referred to in the preceding paragraph, the Insurance Supervision Agency shall provide the following:

1. a simple and easily accessible way of reporting violations,
2. internal procedures for receiving and considering reports, including reporting on findings in connection with the reports received and action taken in that regard.

(3) The Insurance Supervision Agency shall ensure:

1. appropriate protection of the personal data of persons who have filed a report and of persons who are allegedly responsible for the violation in accordance with the Act governing personal data protection and
2. that all data on persons who have filed a report are treated as confidential.

(4) Data on a person who has filed a report may not be disclosed without the consent of that person, unless the disclosure of the identity of that person in accordance with the law is necessary to conduct administrative or judicial proceedings. The Insurance Supervision Agency may not disclose any data on a person who has filed a report to any insurance undertaking, insurance agency company, insurance brokerage company and ancillary insurance intermediary referred to in paragraph three of Article 558 of this Act, and shall make every effort to prevent the disclosure of this person's identity when establishing and considering the violations that are the subject of the report.

(5) Kadar je identiteta prijavitelja kljub ukrepom iz tretjega in četrtega odstavka tega člena razkrita, mora zavarovalnica, zavarovalno zastopniška družba, zavarovalno posredniška družba in zastopnik dopolnilnih zavarovanj iz tretjega odstavka 558. člena tega zakona zagotoviti ustrezne pogoje, da se preprečijo povračilni ukrepi, diskriminacija ali druge oblike neprimerne obravnave prijaviteljev, ki so podali prijavo iz prvega odstavka tega člena, oziroma da se odpravijo njihove posledice.

281. člen
(ukrepi nadzora)

(1) Agencija za zavarovalni nadzor lahko zavarovalnici pod pogoji, določenimi v tem zakonu, izreče naslednje ukrepe nadzora:

1. priporočilo in opozorilo,
2. odreditev odprave kršitve,
3. odreditev dodatnih ukrepov za uresničevanje pravil o upravljanju tveganj,
4. odvzem ali pogojni odvzem dovoljenja,
5. postavitev izredne uprave,
6. odreditev povečanja osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice,
7. začetek prisilne likvidacije,
8. odločitev o razlogih za stečaj zavarovalnice,
9. opomin članu ali članom uprave zavarovalnice.

(2) Agencija za zavarovalni nadzor lahko na svoji spletni strani objavi vse ukrepe nadzora, ko postane odločitev o izreku ukrepa pravnomočna, in sicer informacije o kršitelju (naziv in sedež pravne osebe ali osebno ime fizične osebe ter funkcija odgovorne osebe), o kršitvi (opis okoliščin in ravnanj, ki pomenijo kršitev, ter narava ugotovljenih kršitev) in izrek ukrepa, s katerim se postopek konča. Ukrepi so lahko objavljeni največ dve leti, pri objavi osebnih podatkov se vedno brišejo identifikacijski znaki fizičnih oseb in njihovi naslovi prebivališč ter upoštevajo določbe zakona, ki ureja varstvo osebnih podatkov.

(5) Where the identity of the reporting person has been disclosed despite the measures referred to in paragraphs three and four of this Article, the insurance undertaking, insurance agency company, insurance brokerage company and ancillary insurance intermediary referred to in paragraph three of Article 558 of this Act shall provide for appropriate conditions to prevent retaliation, discrimination or any other forms of inappropriate treatment of persons who have filed the report referred to in paragraph one of this Act, or to eliminate their consequences.

Article 281
(Supervisory measures)

(1) The Insurance Supervision Agency may impose on an insurance undertaking the following supervisory measures under the conditions provided in this Act:

1. a recommendation and warning,
2. an order to eliminate a violation,
3. an order regarding additional measures to implement risk management rules,
4. withdrawal or conditional withdrawal of an authorisation,
5. appointment of special management,
6. an order to increase share capital to ensure the economic stability of the insurance undertaking,
7. initiation of compulsory liquidation,
8. a decision on the reasons for the bankruptcy of the insurance undertaking,
9. a warning to a member or members of the management board of the insurance undertaking.

(2) The Insurance Supervision Agency may publish on its website all supervisory measures when the decision on the imposition of a measure becomes final, i.e. information on the person that has committed the violation (name and head office of the legal person or personal name of the natural person and function of the responsible person), information on the violation (a description of the circumstances and conduct constituting the violation, as well as the nature of the violations found) and the operative part of the measure ending the proceeding. Measures may be published for a maximum of two years; in cases where personal data

(3) Ne glede na prejšnji odstavek Agencija za zavarovalni nadzor po uradni dolžnosti ali na podlagi ugovora iz petega odstavka tega člena odloči, da se informacije o identiteti kršitelja ne objavijo, če:

1. se ukrep nadzora izreče fizični osebi in objava osebnih podatkov o kršitelju ni sorazmerna s težo kršitve, ali

2. bi objava informacij o identiteti kršitelja ogrozila stabilnost finančnih trgov ali izvedbo predkazenskega ali kazenskega postopka, pri čemer je Agencija za zavarovalni nadzor dolžna pridobiti in upoštevati mnenje državnega tožilstva, ali

3. bi z objavo vpletenim osebam verjetno nastala nesorazmerna škoda.

(4) Če Agencija za zavarovalni nadzor ob izdaji odločbe ali odredbe oceni, da so v zvezi z objavo identitete kršitelja podani razlogi iz prejšnjega odstavka, hkrati z izdajo odločbe ali odredbe o izrečenih ukrepih nadzora odloči tudi, da se identiteta kršitelja ne objavi ali objava identitete kršitelja začasno zadrži ter navede rok za zadržanje objave, če bodo razlogi za zadržanje objave v tem obdobju verjetno prenehali obstajati, ali podatke objavi anonimno na način, da posamezniki niso določljivi.

(5) Če Agencija za zavarovalni nadzor ob izdaji odločbe ali odredbe ne ugotovi razlogov iz tretjega odstavka tega člena, v odločbi ali odredbi o izrečenih ukrepih nadzora kršitelja opozori, da bodo informacije iz prvega odstavka tega člena javno objavljene na spletni strani Agencije za zavarovalni nadzor in ga pouči, da mora v primeru obstoja razlogov iz tretjega odstavka tega člena te razloge navesti v ugovoru, ki se vloži v roku, ki je v skladu s tem zakonom določen za vložitev pravnega sredstva zoper odločbo o ukrepu nadzora.

are published, any identifiers of natural persons and their residential addresses shall always be deleted and compliance with the Act governing personal data protection shall be ensured.

(3) Notwithstanding the preceding paragraph, the Insurance Supervision Agency shall decide, *ex officio* or on the basis of the appeal referred to in paragraph five of this Article, not to publish the information on the identity of the person who has committed the violation if:

1. the supervisory measure is imposed on a natural person and the publication of personal data on the person who has committed the violation is not proportional to the seriousness of the violation, or
2. the publication of information on the identity of the person that has committed the violation would jeopardise the stability of financial markets or the pre-trial investigation or criminal proceedings, in which case the Insurance Supervision Agency is obliged to obtain and take into account the opinion of the State Prosecutor's Office, or
3. publication is likely to cause disproportionate damage to the persons involved.

(4) If, upon issuing a decision or an order, the Insurance Supervision Agency assesses that the reasons referred to in the preceding paragraph exist in relation to the publication of the identity of the person that has committed the violation, it shall, when issuing the decision or order imposing supervisory measures, decide not to publish the identity of the person that has committed the violation or to temporarily suspend the publication of the identity of the person that has committed the violation and state the time limit for suspending the publication, provided that the reasons for suspending the publication are likely to cease to exist in this period, or shall publish the data anonymously in such a manner that individuals are not identifiable.

(5) If the Insurance Supervision Agency does not find any reasons referred to in paragraph three of this Article upon issuing a decision or an order, it shall, in the decision or order imposing supervisory measures, caution the person that has committed the violation that the information referred to in paragraph one of this Article will be published on the Insurance Supervision Agency's website; instructing them that, in the event of the existence of reasons referred to in paragraph three of this Article, they must set out these reasons in their appeal, which shall be submitted within the time limit determined for lodging a legal remedy against the decision on a supervisory measure in accordance with this

(6) Agencija za zavarovalni nadzor odloči o ugovoru iz prejšnjega odstavka z odločbo. Če na podlagi ugovora kršitelja Agencija za zavarovalni nadzor ugotovi, da so podani razlogi iz tretjega odstavka tega člena, v odločbi, s katero ugodi ugovoru, odloči, da se identiteta kršitelja ne objavi ali da se objava identitete kršitelja začasno zadrži, in navede rok za zadržanje objave, ali podatke objavi anonimno na način, da posamezniki niso določljivi.

(7) Zoper odločbo, s katero Agencija za zavarovalni nadzor zavrne ugovor ali odloči, da se objava identitete kršitelja začasno zadrži, lahko kršitelj vloži zahtevo za sodno varstvo pod pogoji, določenimi v zakonu, ki ureja upravni spor.

(8) Agencija za zavarovalni nadzor obvesti EIOPO o vseh ukrepih, ki so bili izrečeni v zvezi z njimi in njihovim izidom, ter ji enkrat letno v zbirni obliki posreduje informacije o vseh ukrepih, ki so bili izrečeni distributerjem zavarovalnih produktov.

282. člen
(priporočila in opozorila)

(1) Če pooblaščena oseba Agencije za zavarovalni nadzor pri pregledu poslovanja ugotovi nesmotrnosti ali nedoslednosti pri poslovanju zavarovalnice, ki nimajo značilnosti kršitve predpisov iz prvega odstavka 277. člena tega zakona, Agencija za zavarovalni nadzor izda priporočila upravi zavarovalnice za izboljšanje poslovanja zavarovalnice.

(2) Če pooblaščena oseba Agencije za zavarovalni nadzor pri pregledu poslovanja ugotovi kršitve predpisov iz prvega odstavka 277. člena tega zakona, vendar te kršitve po svojih značilnostih in obsegu

Act.

(6) The Insurance Supervision Agency shall decide on the appeal referred to in the preceding paragraph by way of a decision. If on the basis of the appeal of the person that has committed the violation the Insurance Supervision Agency establishes that the reasons referred to in paragraph three of this Article exist, it shall, when issuing a decision upholding the appeal, decide not to publish the identity of the person that has committed the violation or to temporarily suspend the publication of the identity of the person that has committed the violation and state the time limit for suspending the publication, or shall publish the data anonymously in such a manner that an individual is not identifiable.

(7) In accordance with the conditions set out by the Act governing administrative disputes, the person that has committed the violation may file a request for judicial protection against the decision by which the Insurance Supervision Agency has dismissed the appeal or decided to temporarily suspend the publication of the identity of the person that has committed the violation.

(8) The Insurance Supervision Agency shall inform EIOPA of all measures taken in relation to them and their outcome and shall provide it once a year with aggregated information on all measures imposed on insurance distributors.

Article 282
(Recommendations and warnings)

(1) If an authorised person from the Insurance Supervision Agency in reviewing the business of an insurance undertaking identifies an underperformance or inconsistencies in the business of an insurance undertaking which do not constitute a violation of the regulations referred to in paragraph one of Article 277 of this Act, the Insurance Supervision Agency shall issue recommendations for improving the efficiency of conducting business of the insurance undertaking to the management board of the insurance undertaking.

(2) If an authorised person from the Insurance Supervision Agency in reviewing the business of an insurance undertaking identifies violations of the regulations referred to in paragraph one of Article 277 of

nimajo pomembnih učinkov, Agencija za zavarovalni nadzor zavarovalnici namesto odredbe o odpravi kršitev izda opozorilo, v katerem jo opozori na te kršitve (v nadaljnjem besedilu: opozorilo).

(3) Z opozorilom lahko Agencija za zavarovalni nadzor zavarovalnici tudi naloži odpravo ugotovljenih kršitev in določi rok za njihovo odpravo.

(4) Če zavarovalnica ne ravna v skladu z opozorilom iz prejšnjega odstavka, ji Agencija za zavarovalni nadzor izda odredbo o odpravi kršitev.

(5) Prvi do četrti odstavek tega člena se smiselno uporabljajo tudi za nadzor, ki ga Agencija za zavarovalni nadzor opravlja na podlagi poročil in informacij, ki ji jih posreduje zavarovalnica v skladu s tem zakonom ali ki jih pridobi Agencija za zavarovalni nadzor na podlagi zbiranja in obdelovanja informacij po 285. členu tega zakona.

(6) Za priporočila in opozorila iz tega člena se ne uporabljajo določbe o postopku iz 10.1. oddelka 10. poglavja tega zakona.

283. člen
(finančna stabilnost in procikličnost)

(1) Pri opravljanju nalog in pristojnosti na področju nadzora zavarovalnih poslov Agencija za zavarovalni nadzor preuči tudi morebiten vpliv njenih odločitev na stabilnost finančnih sistemov v EU, zlasti v izrednih razmerah.

(2) Pri izreku ukrepov, v času izjemnih gibanj na finančnih trgih, upošteva Agencija za zavarovalni nadzor možni vpliv teh ukrepov na procikličnost.

284. člen
(predpisi o poročanju)

this Act, but these violations in terms of their characteristics and extent have no significant effects, the Insurance Supervision Agency shall issue a warning, instead of an order to eliminate violations, to the insurance undertaking in which it indicates these violations (hereinafter: warning).

(3) The Insurance Supervision Agency may also by a warning require that an insurance undertaking eliminates the established violations and determine the deadline for elimination.

(4) If an insurance undertaking fails to comply with a warning referred to in the preceding paragraph, the Insurance Supervision Agency shall issue an order to eliminate violations.

(5) Paragraphs one to four of this Article shall apply, *mutatis mutandis*, also to supervision performed by the Insurance Supervision Agency based on reports and information submitted by an insurance undertaking pursuant to this Act, or acquired by the Insurance Supervision Agency based on collecting and processing of information pursuant to Article 285 of this Act.

(6) The recommendations and warnings referred to in this Article shall not be subject to the procedure referred to in Section 10.1 of Chapter Ten of this Act.

Article 283
(Financial stability and pro-cyclicality)

(1) In performing its tasks and competence in the area of supervising insurance business, the Insurance Supervision Agency shall study the potential effect of its decisions on the stability of financial systems in the EU, in particular in extreme conditions.

(2) In imposing measures during periods of significant volatility on the financial markets, the Insurance Supervision Agency shall take into account the potential effect of these measures on pro-cyclicality.

Article 284
(Regulations on reporting)

(1) Agencija za zavarovalni nadzor za namen statistične obdelave podatkov predpiše, da zavarovalnice v vnaprej določenih časovnih obdobjih predložijo:

1. podatke o številu zavarovanj, obračunanih zavarovalnih premijah, številu škod in obračunanih odškodninah oziroma zavarovalninah, po zavarovalnih vrstah in posameznih zavarovanjih iz zavarovalne vrste;
2. za posamezne zavarovalne vrste obratovalne stroške, stroške pridobivanja zavarovanj, sklepalne provizije, stroške reševanja škod in stroške preventivne dejavnosti;
3. za kreditna zavarovanja podatke o zavarovalnih vsotah ob sklenitvi, glede na trajanje zavarovanja, podatke o zavarovalnih vsotah za preostala jamstva in podatke o plačilih regresnih zavezancev;
4. za posamezne pokojninske sklade podatke o številu članov in vplačanih premijah ter višini matematičnih rezervacij, podatke o številu članov in višini matematičnih rezervacij, ki so v mirovanju oziroma ki so zadržali pravice, podatke o številu delodajalcev, ki so vključeni v pokojninski načrt, in podatke o številu delodajalcev, ki ne plačujejo premij, podatke o rednih in izrednih prekinitvah zavarovanj ter izplačilih odkupnih vrednosti oziroma prenosih denarnih sredstev na drugega upravljavca pokojninskih skladov in prenosih odkupnih vrednosti na izplačevalca pokojninskih rent;
5. za obvezna zavarovanja izkaz izida.

(2) Kadar so vnaprej določena obdobja iz prejšnjega odstavka krajša od enega leta, lahko Agencija za zavarovalni nadzor brez poseganja v prvi odstavek 235. člena tega zakona omeji redno nadzorno poročanje Agenciji za zavarovalni nadzor, če:

1. bi bilo sporočanje teh informacij preveliko breme glede na vrsto, obseg in zahtevnost tveganj, povezanih s poslovanjem zavarovalnice;
2. se te informacije sporočajo vsaj enkrat letno.

(3) Ne glede na prejšnji odstavek Agencija za zavarovalni nadzor v primeru zavarovalnic, ki so del skupine po 19. členu tega zakona, omeji redno nadzorno poročanje na vnaprej določena obdobja, krajša od enega leta, le, če zavarovalnica izkaže, da je redno nadzorno poročanje več kot enkrat letno neprimerno glede na vrsto, obseg in zahtevnost tveganj, ki so del poslov skupine.

(1) For the purpose of statistical processing, the Insurance Supervision Agency shall require insurance undertakings in predetermined periods to submit the following:

1. data on the number of insurance policies, written premiums, number of loss events and calculated indemnities or benefits by insurance class and individual insurance type within an insurance class;
2. for individual insurance classes, operating costs, insurance acquisition costs, commission for concluding insurance, claims handling costs and costs of prevention activities;
3. for credit insurance, data on insured sums upon conclusion in relation to the duration of insurance, data on insured sums for other guarantees and data on the payments of persons liable to subrogation;
4. for individual pension funds, data on the number of members and paid premiums and the level of mathematical provisions, data on the number of members and the amount of mathematical provisions that are subject to moratorium or have retained rights, data on the number of employers included in the pension plan and data on the number of employers that are not paying premiums, data on regular and exceptional termination of insurance, and payments of redemption values or cash transfers to another pension fund manager, and transfers of redemption values to a pension annuity payer;
5. for compulsory insurance, a profit and loss statement.

(2) Where the predetermined periods referred to in the preceding paragraph are shorter than one year, the Insurance Supervision Agency may, without prejudice to paragraph one of Article 235 of this Act, limit regular supervisory reporting to the Insurance Supervision Agency if:

1. the submission of such information would be overly burdensome in relation to the nature, scale and complexity of the risks inherent in the business of the insurance undertaking;
2. such information is reported at least annually.

(3) Notwithstanding the preceding paragraph, in the case of insurance undertakings that are part of a group referred to in Article 19 of this Act, the Insurance Supervision Agency shall limit regular supervisory reporting to predetermined periods shorter than one year only if the insurance undertaking proves that regular supervisory reporting more than once a year is inappropriate in relation to the nature, scale and complexity of the risks inherent in the group's business.

(4) Omejitev rednega nadzornega poročanja se lahko dovoli samo zavarovalnicam, ki ne predstavljajo več kot 20 % deleža na trgu življenjskih in premoženjskih zavarovanj in pozavarovanj v Republiki Sloveniji, pri čemer tržni delež premoženjskih zavarovanj temelji na kosmatih obračunanih premijah, tržni delež življenjskih zavarovanj pa na kosmatih zavarovalno- tehničnih rezervacijah.

(5) Pri odločanju o omejevanju rednega nadzornega poročanja daje Agencija za zavarovalni nadzor prednost najmanjšim zavarovalnicam.

(6) Agencija za zavarovalni nadzor lahko omeji redno nadzorno poročanje zavarovalnic ali jih izvzame iz obveznosti poročanja po posameznih postavkah, kadar:

1. bi bilo sporočanje teh informacij preveliko breme glede na vrsto, obseg in zahtevnost tveganj, povezanih s poslovanjem zavarovalnic;

2. informacije niso potrebne za učinkovit nadzor nad zavarovalnicami;

3. izvzetje ne ogroža stabilnosti finančnih sistemov v EU in

4. je zavarovalnica zmožna informacije zagotoviti na zahtevo Agencije za zavarovalni nadzor.

(7) Agencija za zavarovalni nadzor iz obveznosti poročanja po posameznih postavkah ne izvzame zavarovalnic, ki so del skupine po 19. členu tega zakona, razen če ji lahko zavarovalnica izkaže, da poročanje po posameznih postavkah ne bi bilo primerno glede na vrsto, obseg in zahtevnost tveganj, ki so del poslov skupine, pri čemer upošteva vpliv na stabilnost finančnih sistemov v EU.

(8) Izvzetje iz obveznosti poročanja po posameznih postavkah se lahko dovoli samo zavarovalnicam, ki nimajo več kot 20 % deleža na trgu življenjskih in premoženjskih zavarovanj in pozavarovanj v Republiki Sloveniji, pri čemer tržni delež premoženjskih zavarovanj temelji na kosmatih obračunanih premijah, tržni delež življenjskih zavarovanj pa na kosmatih zavarovalno-tehničnih rezervacijah.

(9) Pri odločanju o omejevanju rednega nadzornega poročanja

(4) The limitation of regular supervisory reporting may only be allowed for insurance undertakings not exceeding a 20% share in the life insurance, non-life insurance and reinsurance market in the Republic of Slovenia, taking into account that the market share of non-life insurance is based on gross written premiums and the market share of life insurance on gross technical provisions.

(5) In deciding whether to limit regular supervisory reporting, the Insurance Supervision Agency shall give priority to the smallest insurance undertakings.

(6) The Insurance Supervision Agency may limit regular supervisory reporting of insurance undertakings or exempt them from reporting on an item-by-item basis, where:

1. the submission of that information would be overly burdensome in relation to the nature, scale and complexity of the risks inherent in the business of the insurance undertaking;
2. the information is not required for effective supervision of an insurance undertaking;
3. exemption does not jeopardize the stability of financial systems in the EU and
4. the insurance undertaking is able to provide the information at the request of the Insurance Supervision Agency.

(7) The Insurance Supervision Agency shall not exempt insurance undertakings that are part of a group referred to in Article 19 of this Act from reporting on an item-by-item basis, unless an insurance undertaking can prove that such reporting would not be appropriate in relation to the type, scale and complexity of the risks inherent in the group's business, taking into account the impact on the stability of financial systems in the EU.

(8) The exemption from reporting on an item-by-item basis may only be allowed for insurance undertakings not exceeding a 20% share in the life insurance, non-life insurance and reinsurance market in the Republic of Slovenia, taking into account that the market share of non-life insurance is based on gross written premiums and the market share of life insurance on gross technical provisions.

(9) In deciding whether to limit regular supervisory reporting or

ali izvzetju iz obveznosti poročanja po posameznih postavkah daje Agencija za zavarovalni nadzor prednost najmanjšim zavarovalnicam.

(10) Za namene iz drugega do devetega odstavka tega člena Agencija za zavarovalni nadzor kot del postopka nadzornega pregleda oceni, ali bi bila predložitev teh informacij preveč obremenilna glede na vrsto, obseg in zahtevnost tveganj zavarovalnice, pri čemer upošteva vsaj:

1. obseg premij, zavarovalno-tehnične rezervacije in sredstva zavarovalnice;
2. nestabilnost zahtevkov in prejemkov, ki jih zavarovalnica krije;
3. tržna tveganja zaradi naložb zavarovalnice;
4. raven koncentracije tveganja;
5. skupno število vrst življenjskega in premoženjska zavarovanja, za katere je izdano dovoljenje;
6. možne učinke upravljanja sredstev zavarovalnice na stabilnost finančnih sistemov v EU;
7. sistem poročanja in pravila zavarovalnice glede poročanja iz 279. člena tega zakona;
8. primernost sistema upravljanja zavarovalnice;
9. raven lastnih sredstev za kritje zahtevanega solventnostnega kapitala in zahtevanega minimalnega kapitala;
10. ali je zavarovalnica lastna zavarovalnica ali pozavarovalnica, ki krije samo tveganja, povezana z industrijsko ali poslovno skupino, ki ji pripada.

7.2. Sodelovanje med nadzornimi organi in izmenjava informacij

285. člen
(zbiranje in obdelava informacij)

(1) Agencija za zavarovalni nadzor je pristojna zbirati in obdelovati informacije o dejstvih in okoliščinah, ki so pomembne za izvrševanje njenih nalog in pristojnosti, določenih s tem zakonom.

exempt from reporting on an item-by-item basis, the Insurance Supervision Agency shall give priority to the smallest insurance undertakings.

(10) For the purposes referred to in paragraphs two to nine of this Article, the Insurance Supervision Agency, as part of the supervisory review process, shall assess whether the submission of this information would be overly burdensome in relation to the nature, scale and complexity of the risks of an insurance undertaking, taking into account at least:

1. the volume of premiums, technical provisions and assets of the insurance undertaking;
2. the volatility of the claims and benefits covered by the undertaking;
3. the market risks that the investments of the insurance undertaking give rise to;
4. the level of risk concentration;
5. the total number of life and non-life insurance classes for which the authorisation is granted;
6. possible effects of the management of assets of the insurance undertaking on the stability of financial systems in the EU;
7. the reporting system and regulations of the insurance undertaking with regard to reporting referred to in Article 279 of this Act;
8. the appropriateness of the system of governance of the insurance undertaking;
9. the level of own funds covering the solvency capital requirement and the minimum capital requirement;
10. whether the insurance undertaking is a captive insurance undertaking or reinsurance undertaking only covering risks associated with the industrial or commercial group to which it belongs.

7.2. Cooperation between supervisory authorities and exchange of information

Article 285
(Collection and processing of information)

(1) The Insurance Supervision Agency shall collect and process information regarding facts and circumstances relevant to the performance of its tasks and competences laid down by this Act.

(2) Za informacije iz prejšnjega odstavka se štejejo zlasti naslednje informacije:

1. o dovoljenjih za opravljanje zavarovalnih poslov in drugih dovoljenjih, ki jih je izdala Agencija za zavarovalni nadzor na podlagi tega zakona;
2. o članih uprave in nadzornih svetov ter revizijskih komisij zavarovalnic, njihovi organizaciji, nosilcih ključnih funkcij in delovanju njihovih služb notranje revizije, pri čemer Agencija za zavarovalni nadzor za posamezno osebo obdeluje podatke o osebnem imenu, rojstnem datumu, funkciji, ki jo oseba opravlja, datumu začetka opravljanja funkcije ter trajanju mandata;
3. o podružnicah oziroma neposrednem opravljanju zavarovalnih poslov zavarovalnic v državah članicah in podružnicah oziroma neposrednem opravljanju dejavnosti zavarovalnic držav članic v Republiki Sloveniji;
4. o podružnicah zavarovalnic v tretjih državah in podružnicah zavarovalnic tretjih držav v Republiki Sloveniji;
5. o finančnem položaju in poslovanju zavarovalnic in drugih oseb, nad katerimi je pristojna opravljati nadzor;
6. o imetnikih kvalificiranih deležev;
7. o ukrepih nadzora, ki jih je izrekla Agencija za zavarovalni nadzor na podlagi tega zakona;
8. informacije, ki jih je pridobila v okviru izmenjave informacij od drugih nadzornih organov Republike Slovenije, držav članic ali tretjih držav.

(3) Informacije iz registrov in evidenc, ki jih vodijo sodišča ali drugi državni organi, Agencija za zavarovalni nadzor pridobiva brezplačno.

286. člen
(razkritje splošnih informacij o nadzoru)

(1) Agencija za zavarovalni nadzor na svojih javnih spletnih straneh objavi in redno posodablja:

1. besedila zakonov in drugih predpisov ter splošnih smernic, ki se uporabljajo v Republiki Sloveniji v zvezi s skrbnim nadzorom in

(2) The following information in particular shall be deemed to be information referred to in the preceding paragraph:

1. regarding authorisations to conduct insurance business and other authorisations issued by the Insurance Supervision Agency on the basis of this Act;
2. regarding members of the management board and supervisory boards and audit committees of insurance undertakings, their organisation, holders of key functions and the performance of their internal audit services, whereas the Insurance Supervision Agency shall process, for each person, information regarding their name and surname, date of birth, function the person performs, date of taking up the function, and the duration of the term of office;
3. regarding branches or the direct conduct of insurance business of insurance undertakings in Member States and branches or regarding the direct conduct of activities of insurance undertakings from Member States in the Republic of Slovenia;
4. regarding branches of insurance undertakings in third countries and regarding branches of insurance undertakings from third countries in the Republic of Slovenia;
5. regarding the financial condition and business of insurance undertakings and other persons which are subject to its supervision;
6. regarding holders of qualifying holdings;
7. regarding supervisory measures imposed by the Insurance Supervision Agency pursuant to this Act;
8. information obtained within an exchange of information from other supervisory authorities of the Republic of Slovenia, Member States or third countries.

(3) The Insurance Supervision Agency shall obtain free of charge the information from registers and records kept by courts or other state authorities.

Article 286
(Disclosure of general information on supervision)

(1) The Insurance Supervision Agency shall publish on its websites and update regularly:

1. texts of Acts and other regulations and general guidelines which are applicable in the Republic of Slovenia relating to prudent supervision

upravljanjem tveganj zavarovalnic;
2. splošna merila in metodologije, uporabljene pri nadzoru, vključno s količinskimi orodji iz drugega odstavka 280. člena tega zakona;

3. agregatne statistične podatke o ključnih vidikih uresničitve skrbnega nadzora in upravljanja tveganj zavarovalnic v Republiki Sloveniji;

4. način uresničitve opcij in diskrecij, ki jih dajejo predpisi EU s področja skrbnega nadzora in upravljanja tveganj zavarovalnic;

5. glavne cilje, funkcije in dejavnosti nadzora.

(2) Razkritja iz prejšnjega odstavka so zadostna, da omogočijo razumljivo primerjavo z nadzornimi pristopi, ki jih uporabljajo nadzorni organi drugih držav članic.

(3) Informacije iz prvega odstavka tega člena objavlja Agencija za zavarovalni nadzor v skladu z:
- aktom, ki ga izda Evropska komisija na podlagi četrtega odstavka 31. člena Direktive 2009/138/ES; in
- izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi petega odstavka 31. člena Direktive 2009/138/ES.

287. člen
(sodelovanje med nadzornimi organi Republike Slovenije)

(1) Agencija za zavarovalni nadzor in nadzorni organi Republike Slovenije, ki so pristojni za nadzor drugih nadzorovanih finančnih družb, na zahtevo posameznega nadzornega organa posredujejo temu organu vse podatke glede zavarovalnice oziroma druge nadzorovane finančne družbe oziroma druge nadzorovane osebe, ki jih potrebuje v postopku opravljanja nalog nadzora nad to družbo oziroma osebo, v postopku v zvezi z izdajo dovoljenj oziroma pri odločanju o drugih posamičnih zadevah.

(2) Nadzorni organi Republike Slovenije, ki so pristojni za nadzor drugih nadzorovanih finančnih družb, drug drugega na lastno pobudo obveščajo o nepravilnostih ali drugih okoliščinah, ki jih ugotovijo pri opravljanju nadzora ali drugih svojih nalog in pristojnosti, če so te

and risk management of insurance undertakings;
2. general criteria and methodologies applicable for supervision, including the quantitative tools referred to in paragraph two of Article 280 of this Act;
3. aggregate statistical data on key aspects of the implementation of prudent supervision and risk management of insurance undertakings in the Republic of Slovenia;
4. the manner of exercising options and discretions laid down in EU regulations regarding the prudential supervision and risk management of insurance undertakings;
5. main aims, functions and activities of supervision.

(2) Disclosures referred to in the preceding paragraph shall be sufficient to ensure comprehensible comparison with supervisory approaches used by supervisory authorities of other Member States.

(3) The information referred to in paragraph one of this Article shall be published by the Insurance Supervision Agency pursuant to:
- the act issued by the European Commission pursuant to Article 31(4) of Directive 2009/138/EC; and
- implementing technical standards issued by the European Commission pursuant to Article 31(5) of Directive 2009/138/EC.

Article 287
(Cooperation among supervisory authorities of the Republic of Slovenia)

(1) The Insurance Supervision Agency and the supervisory authorities of the Republic of Slovenia competent for the supervision of other supervised financial undertakings shall, at the request of an individual supervisory authority, submit to this authority all data regarding an insurance undertaking or another supervised financial undertaking or another regulated person required to perform supervisory duties of this undertaking or person in the procedure for issuing authorisations or decision-making on other matters.

(2) The supervisory authorities of the Republic of Slovenia competent for supervising other supervised financial undertakings shall notify each other on their own initiative of irregularities or other circumstances identified during supervision or the performance of their

ugotovitve pomembne tudi za delo drugih nadzornih organov.

(3) Podrobnejšo vsebino in način medsebojnega sodelovanja nadzornih organov Republike Slovenije, ki so pristojni za nadzor drugih nadzorovanih finančnih družb, določi minister, pristojen za finance, na podlagi predhodnega mnenja nadzornih organov.

(4) Agencija za zavarovalni nadzor lahko izmenjuje informacije in podatke tudi z drugimi nadzornimi organi Republike Slovenije z namenom opravljanja nalog nadzora zavarovalnic oziroma drugih subjektov nadzora.

(5) Za nadzorne organe velja za informacije in podatke, ki jih prejmejo na podlagi tega člena, obveznost varovanja zaupnih informacij iz 507. člena tega zakona.

288. člen
(sodelovanje med Agencijo za zavarovalni nadzor in Banko Slovenije)

(1) Agencija za zavarovalni nadzor in Banka Slovenije si posredujeta podatke, ki jih pridobita z opravljanjem mikrobonitetnega oziroma makrobonitetnega nadzora in jih potrebujeta za izvajanje svojih nalog.

(2) Agencija za zavarovalni nadzor in Banka Slovenije se na lastno pobudo obveščata o nepravilnostih ali drugih okoliščinah, ki jih ugotovita pri opravljanju nadzora ali drugih svojih nalog in pristojnosti, če so te ugotovitve pomembne za njihovo delo.

(3) Za Banko Slovenije velja za podatke, ki jih prejme na podlagi tega člena, obveznost varovanja zaupnih informacij iz 507. člena tega zakona.

(4) Če je Agencija za zavarovalni nadzor podatke pridobila od nadzornega organa druge države članice ali pri opravljanju pregleda poslovanja podružnice zavarovalnice države članice, sme te informacije

other duties and competences, if such findings are also relevant to the work of other supervisory authorities.

(3) Detailed content and the manner of cooperation among supervisory authorities of the Republic of Slovenia competent for supervising other supervised financial undertakings shall be determined by the minister responsible for finance based on the preliminary opinion of supervisory authorities.

(4) The Insurance Supervision Agency may exchange information and data with other supervisory authorities of the Republic of Slovenia for the purpose of performing supervisory duties of insurance undertakings or other regulated subjects.

(5) Supervisory authorities are required to protect information and data received pursuant to this Article as provided in Article 507.

Article 288
(Cooperation between the Insurance Supervision Agency and the Bank of Slovenia)

(1) The Insurance Supervision Agency and the Bank of Slovenia shall exchange data acquired in conducting micro-prudential or macro-prudential supervision and which is required to perform their duties.

(2) The Insurance Supervision Agency and the Bank of Slovenia shall on their own initiative notify each other regarding irregularities or other circumstances identified in conducting supervision or their other tasks and competences, if such findings are also relevant to their work.

(3) The obligation to protect the confidential information referred to in Article 507 of this Act shall apply to information received by the Bank of Slovenia pursuant to this Article.

(4) If the Insurance Supervision Agency has acquired information from a supervisory authority of another Member State or when reviewing the business of a branch of an insurance undertaking of a

razkriti Banki Slovenije samo s soglasjem nadzornega organa te države članice.

(5) Podrobnejšo vsebino in način sodelovanja med Agencijo za zavarovalni nadzor in Banko Slovenije določi minister, pristojen za finance, na podlagi predhodnega mnenja Agencije za zavarovalni nadzor in Banke Slovenije.

289. člen
(sodelovanje z nadzornimi organi držav članic)

(1) Agencija za zavarovalni nadzor sodeluje z nadzornimi organi drugih držav članic in jim posreduje informacije, ki so potrebne za izvajanje njihovih nalog. Za uresničitev tega namena drugemu nadzornemu organu:

1. na njegovo zahtevo posreduje vse informacije, ki so potrebne za izvajanje nalog tega nadzornega organa;
2. na lastno pobudo pošlje vse informacije, ki so pomembne za izvajanje nalog nadzora tega nadzornega organa, če je bila izrečena globa ali drug ukrep iz tega zakona.

(2) Informacija je potrebna za izvajanje nalog nadzornega organa države članice, če jo potrebuje pri opravljanju svojih nalog v naslednje namene:

1. da preveri, ali so izpolnjeni pogoji, ki urejajo začetek opravljanja poslov zavarovanja, in da olajša spremljanje opravljanja takšnih poslov; zlasti glede spremljanja tehničnih določb, zahtevanega solventnostnega kapitala, zahtevanega minimalnega kapitala in sistema upravljanja;
2. da naloži sankcije;
3. pri upravnih pritožbah zoper odločbe nadzornega organa;
4. v sodnih postopkih v zvezi z delom nadzornega organa.

(3) Prvi in drugi odstavek tega člena se smiselno uporabljata tudi za sodelovanje Agencije za zavarovalni nadzor in drugih nadzornih organov Republike Slovenije z nadzornim organom države članice, če ta zahteva posvetovanje ali informacije pri odločanju o zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža v nadzorovani finančni družbi te države članice, ki jo je vložila:

Member State, it may disclosed such information to the Bank of Slovenia only with the consent of the supervisory authority of that Member State.

(5) Detailed content and the manner of cooperation between the Insurance Supervision Agency and the Bank of Slovenia shall be determined by the minister responsible for finance based on the preliminary opinion of the Insurance Supervision Agency and the Bank of Slovenia.

Article 289
(Cooperation with supervisory authorities of Member States)

(1) The Insurance Supervision Agency shall cooperate with the supervisory authorities of other Member States and shall provide them with information that they require to conduct their tasks. For the above purposes it shall provide another supervisory authority the following:

1. at its request, all information necessary to conduct the tasks of that supervisory authority;
2. on its own initiative, all information important to conduct the supervisory tasks of that supervisory authority if a fine or some other measure referred to in this Act was imposed.

(2) Information shall be required to conduct the tasks of a supervisory authority of a Member State, if it is required to perform tasks for the following purposes:

1. to check whether the conditions relating to the start-up of insurance business have been fulfilled, and to facilitate the monitoring of such business; in particular regarding the monitoring of technical provisions, the solvency capital requirement, the minimum capital requirement and governance system;
2. to impose sanctions;
3. in administrative appeals against decisions of a supervisory authority;
4. in court proceedings regarding the work of a supervisory authority.

(3) Paragraphs one and two of this Article shall apply *mutatis mutandis* to the cooperation of the Insurance Supervision Agency and other supervisory authorities of the Republic of Slovenia with the supervisory authority of a Member State, if such cooperation requires consultations or information for decision-making regarding an application for authorisation to acquire a qualifying holding in a supervised financial

1. zavarovalnica s sedežem v Republiki Sloveniji,

2. kreditna institucija, borznoposredniška družba ali družba za upravljanje s sedežem v Republiki Sloveniji ali
3. oseba, ki je nadrejena osebam iz 1. ali 2. točke tega odstavka.

(4) Agencija za zavarovalni nadzor s svojim delovanjem na področju nadzora zavarovalnih poslov spodbuja sodelovanje med nadzornimi organi držav članic, zlasti izmenjavo vseh pomembnih informacij med nadzornimi organi države sedeža in države gostiteljice.

(5) Za nadzorne organe iz tega člena velja za podatke, ki jih prejmejo na podlagi tega člena, obveznost varovanja zaupnih informacij iz 507. člena tega zakona.

290. člen
(sodelovanje z nadzornimi organi tretjih držav)

(1) Agencija za zavarovalni nadzor lahko z nadzornimi organi in drugimi organi ter osebami tretjih držav, kakor so opredeljeni v nadaljevanju tega člena, sklepa sporazume o sodelovanju, s katerimi omogoči izmenjavo podatkov, le tedaj, če za podatke, ki bodo razkriti, velja jamstvo poslovne skrivnosti in če je izmenjava podatkov namenjena opravljanju nadzorne naloge teh organov ali oseb.

(2) Če podatki, ki jih bo Agencija za zavarovalni nadzor razkrila tretji državi, izvirajo iz druge države članice, jih sme razkriti samo z izrecnim soglasjem nadzornega organa te države članice in izključno za namene, za katere so navedeni organi dali svoje soglasje.

(3) Nadzorni organi, drugi organi in osebe tretjih držav iz prvega odstavka tega člena so:
1. nadzorni organi, pristojni za nadzor nad zavarovalnicami;

2. organi, pristojni za nadzor kreditnih institucij in drugih finančnih družb

undertaking from that Member State filed by:
1. an insurance undertaking with its head office in the Republic of Slovenia,
2. a credit institution, brokerage company or management company with its head office in the Republic of Slovenia or
3. an entity that is the parent entity of the entities referred to in points 1 or 2 of this paragraph.

(4) The Insurance Supervision Agency shall, through its activities in the area of supervision of insurance business, promote cooperation among supervisory authorities of Member States, in particular the exchange of all important information among supervisory authorities of the country of the head office and of the host country.

(5) The obligation to protect confidential information referred to in Article 507 of this Act shall apply to information received pursuant to this Article by supervisory authorities referred to in this Article.

Article 290
(Cooperation with supervisory authorities of third countries)

(1) The Insurance Supervision Agency may conclude agreements on cooperation with supervisory authorities and other authorities as well as persons from third countries as defined in this Article which facilitates the exchange of information, provided that the information disclosed is subject to appropriate guarantees of business secrecy and if the exchange of information is intended for these authorities or persons to conduct their supervisory tasks.

(2) If information which is to be disclosed by the Insurance Supervision Agency to a third country originates in another Member State, it may be disclosed only with the explicit consent of the supervisory authority of that Member State and solely for the purposes for which the consent of the aforementioned authorities relates.

(3) Supervisory authorities, other authorities and persons of third countries referred to in paragraph one of this Article shall be:
1. supervisory authorities responsible for the supervision of insurance undertakings;
2. authorities responsible for the supervision of credit institutions and

oziroma institucij, ter organi, pristojni za nadzor finančnih trgov;

3. organi in osebe, ki sodelujejo pri likvidaciji ali stečaju zavarovalnic in v drugih podobnih postopkih;
4. osebe, odgovorne za opravljanje z zakonom predpisanih revizij letnih računovodskih izkazov zavarovalnic in drugih finančnih institucij;

5. organi, ki vodijo postopke prisilnega prenehanja zavarovalnic ali upravljanja zajamčenih sredstev in ki takšne podatke potrebujejo za opravljanje svojega dela;
6. neodvisni aktuarji oziroma aktuarke zavarovalnic, ki izvajajo zakonski nadzor teh podjetij, in organi, pooblaščeni za nadziranje takšnih aktuarjev oziroma aktuark.

(4) Za organe in osebe iz tega člena velja za podatke, ki jih prejmejo na podlagi tega člena, obveznost varovanja zaupnih informacij iz 507. člena tega zakona.

291. člen
(nadzorna konvergenca)

(1) Agencija za zavarovalni nadzor sodeluje z EIOPA in pri dejavnostih EIOPA.

(2) Agencija za zavarovalni nadzor si pri svojem delovanju prizadeva upoštevati smernice ter priporočila, ki jih EIOPA izda v skladu 16. členom Uredbe (EU) št. 1094/2010, in navede razloge za njihovo neupoštevanje.

(3) Agencija za zavarovalni nadzor na zahtevo EIOPA predloži vse informacije, potrebne za opravljanje njenih nalog v skladu z Uredbo (EU) št. 1094/2010.

292. člen
(pristojnost Evropskega parlamenta za preiskavo)

Agencija za zavarovalni nadzor lahko posreduje zaupne podatke Evropskemu parlamentu, če jih potrebuje za preiskavo v skladu z

other financial undertakings or institutions, and authorities responsible for the supervision of financial markets;
3. authorities and persons participating in a liquidation or bankruptcy of insurance undertakings and in other similar proceedings;
4. persons responsible for carrying out audits of annual financial statements of insurance undertakings and other financial institutions prescribed by an Act;
5. authorities conducting compulsory winding-up proceedings of insurance undertakings or management of guaranteed funds, and which need such information to carry out their work;
6. independent actuaries of insurance undertakings conducting statutory supervisions of such companies and authorities authorised to supervise such actuaries.

(4) The authorities and persons referred to in this Article shall be subject to the obligation to protect confidential information referred to in Article 507 of this Act concerning information received pursuant to this Article.

Article 291
(Supervisory convergence)

(1) The Insurance Supervision Agency shall cooperate with EIOPA and in the activities of EIOPA.

(2) The Insurance Supervision Agency shall, in its operation, make every effort to comply with the guidelines and recommendations issued by EIOPA in accordance with Article 16 of Regulation (EU) No 1094/2010 and state reasons for their non-compliance.

(3) The Insurance Supervision Agency shall submit all information required to perform its tasks pursuant to Regulation (EU) No 1094/2010, upon request from EIOPA.

Article 292
(European Parliament's competence to investigate)

The Insurance Supervision Agency may submit to the European Parliament confidential information if it is required for an investigation in

226. členom Pogodbe o delovanju Evropske unije.

7.3. *Poročanje na zahtevo Agencije za zavarovalni nadzor in pregled poslovanja*

293. člen
(poročanje na zahtevo Agencije za zavarovalni nadzor)

(1) Zavarovalnica na zahtevo Agencije za zavarovalni nadzor posreduje poročila in informacije o vseh zadevah, pomembnih za opravljanje nadzora oziroma izvrševanje drugih pristojnosti in nalog Agencije za zavarovalni nadzor.

(2) Poročila in informacije iz prejšnjega odstavka lahko Agencija za zavarovalni nadzor zahteva tudi od članov uprave zavarovalnice in oseb, zaposlenih pri zavarovalnici.

(3) Agencija za zavarovalni nadzor lahko osebe iz prejšnjega odstavka pozove, da o zadevah iz prvega odstavka tega člena v roku, ki ne sme biti krajši od treh delovnih dni od dneva prejema poziva, izdelajo pisno poročilo, ali jih povabi, da o teh zadevah podajo ustno izjavo oziroma ustna pojasnila in informacije.

294. člen
(ustreznost ravni zavarovalno-tehničnih rezervacij)

Zavarovalnice na zahtevo Agencije za zavarovalni nadzor prikažejo:
1. ustreznost ravni zavarovalno-tehničnih rezervacij,
2. uporabnost in relevantnost uporabljenih metod za izračun zavarovalno-tehničnih rezervacij,
3. ustreznost uporabljenih statističnih podatkov, na katerih zavarovalno-tehnične rezervacije temeljijo.

accordance with Article 226 of the Treaty on the Functioning of the European Union.

7.3. *Reporting at the request of the Insurance Supervision Agency and review of business*

Article 293
(Reporting at the request of the Insurance Supervision Agency)

(1) At the request of the Insurance Supervision Agency, an insurance undertaking shall submit reports and information on all matters which are relevant for the conducting of supervision or the execution of other competences and tasks of the Insurance Supervision Agency.

(2) The Insurance Supervision Agency may require reports and information referred to in the preceding paragraph also from members of the management board of an insurance undertaking and employees of the insurance undertaking.

(3) The Insurance Supervision Agency may call on the persons referred to in the preceding paragraph to draw up a written report regarding the matters referred to in paragraph one of this Article or call on them to issue an oral statement or explanations and information regarding those matters by a deadline that shall not be shorter than three business days from receipt of the call.

Article 294
(Appropriateness of level of technical provisions)

At the request of the Insurance Supervision Agency an insurance undertaking shall demonstrate:
1. the appropriateness of the level of technical provisions,
2. the applicability and relevance of the methods applied to calculate technical provisions,
3. the adequacy of the underlying statistical data used to calculate technical provisions.

295. člen
(pooblaščene osebe Agencije za zavarovalni nadzor)

(1) Pregled poslovanja zavarovalnice opravi strokovni delavec Agencije za zavarovalni nadzor, ki ga za opravljanje pregleda pooblasti direktor oziroma direktorica (v nadaljnjem besedilu: direktor) Agencije za zavarovalni nadzor (v nadaljnjem besedilu: pooblaščena oseba Agencije za zavarovalni nadzor).

(2) Za izvajanje posameznih nalog v zvezi s pregledi poslovanja lahko direktor Agencije za zavarovalni nadzor pooblasti pooblaščenega revizorja ali drugo strokovno usposobljeno osebo.

(3) Pooblaščena oseba iz prejšnjega odstavka ima pri opravljanju nalog pregleda poslovanja, za katere jo je pooblastil direktor Agencije za zavarovalni nadzor, enake pristojnosti kot pooblaščena oseba Agencije za zavarovalni nadzor oziroma kot Agencija za zavarovalni nadzor.

(4) Zaradi izpolnjevanja obveznosti, izhajajočih iz mednarodnih pogodb in sporazumov, lahko direktor oziroma direktorica pooblasti za prisostvovanje pri pregledu tudi druge osebe, ki niso navedene v prejšnjih odstavkih.

296. člen
(obseg pregleda poslovanja)

(1) Zavarovalnica pooblaščeni osebi Agencije za zavarovalni nadzor omogoči pregled vseh poslovnih knjig, spisov in druge dokumentacije.

(2) Zavarovalnica na zahtevo pooblaščene osebe Agencije za zavarovalni nadzor izroči računalniške izpiske oziroma kopije evidenc oziroma drugih poslovnih knjig in dokumentacije.

(3) Člani uprave zavarovalnice in zaposleni pri zavarovalnici pooblaščeni osebi Agencije za zavarovalni nadzor na njeno zahtevo

Article 295
(Authorised persons of the Insurance Supervision Agency)

(1) The review of business of an insurance undertaking shall be conducted by an expert of the Insurance Supervision Agency, authorised by the director of the Insurance Supervision Agency to conduct the review (hereinafter: authorised person of the Insurance Supervision Agency).

(2) To conduct the tasks in connection with the review of business, the director of the Insurance Supervision Agency may authorise a certified auditor or another professionally qualified person.

(3) The authorised person referred to in the preceding paragraph shall have competences identical to those of the authorised person of the Insurance Supervision Agency or to the Insurance Supervision Agency, in conducting their tasks during the review of business for which they have been authorised by the director of the Insurance Supervision Agency.

(4) To fulfil the obligations under international treaties and agreements, the director may also authorise other persons not stated in the preceding paragraphs to be present at the review.

Article 296
(Scope of review of business)

(1) Insurance undertakings shall allow the authorised person of the Insurance Supervision Agency to review all books of account, files and other documents.

(2) The insurance undertaking shall, at the request of the authorised person of the Insurance Supervision Agency, submit computer printouts or copies of records or other books of account and documents.

(3) Members of the management board of the insurance undertaking and employees of the insurance undertaking shall, at the

posredujejo poročila, informacije in pojasnila o vseh zadevah, pomembnih za opravljanje nadzora.

(4) Pooblaščena oseba Agencije za zavarovalni nadzor lahko opravi tudi pregled poslovanja oseb iz drugega odstavka 272. člena tega zakona, če je to potrebno zaradi popolnega pregleda poslovanja zavarovalnice.

297. člen
(pregled poslovanja)

(1) Zavarovalnica pooblaščeni osebi Agencije za zavarovalni nadzor na njeno zahtevo omogoči, da opravi pregled poslovanja na sedežu zavarovalnice in v drugih prostorih, v katerih zavarovalnica oziroma druga oseba po njenem pooblastilu opravlja dejavnosti in posle, v zvezi s katerimi Agencija za zavarovalni nadzor opravlja nadzor.

(2) Zavarovalnica pooblaščeni osebi Agencije za zavarovalni nadzor na njeno zahtevo omogoči pregled poslovnih knjig, poslovne dokumentacije ter administrativnih oziroma poslovnih evidenc, v obsegu, potrebnem za izvajanje posameznega nadzora.

(3) Zavarovalnica pooblaščeni osebi Agencije za zavarovalni nadzor na njeno zahtevo izroči računalniške izpiske oziroma kopije poslovnih knjig, poslovne dokumentacije ter administrativnih oziroma poslovnih evidenc.

(4) Pregled poslovanja iz prvega in drugega odstavka tega člena opravlja Agencija za zavarovalni nadzor ob delavnikih med 8. in 18. uro. Kadar je zaradi obsega oziroma narave pregleda to potrebno, lahko Agencija za zavarovalni nadzor opravi pregled poslovanja tudi po 18. uri oziroma med dnevi, ki niso delavniki.

(5) Agencija za zavarovalni nadzor pregled poslovanja opravlja tako, da s tem ovira normalno poslovanje zavarovalnice samo v tolikšni meri, kolikor je nujno za dosego namena nadzora.

request of the authorised person of the Insurance Supervision Agency, submit to it reports, information and explanations regarding all matters relevant to conducting supervision.

(4) The authorised person of the Insurance Supervision Agency may also conduct a review of business of persons referred to in paragraph two of Article 272 of this Act, if this is necessary for a complete review of the insurance undertaking's business.

Article 297
(Review of business)

(1) The insurance undertaking shall, at the request of the authorised person of the Insurance Supervision Agency, enable them to conduct a review of business at the head office and at other premises of the insurance undertaking in which the insurance undertaking or another person by its authorisation conducts activities and business in connection with which the Insurance Supervision Agency conducts supervision.

(2) The insurance undertaking shall, at the request of the authorised person of the Insurance Supervision Agency, enable them to review books of account, business documents, and administrative or business records to the extent required for the conducting of supervision.

(3) The insurance undertaking shall, at the request of the authorised person of the Insurance Supervision Agency, submit to them computer printouts or copies of books of account, business documents, and administrative or business records.

(4) The review of business referred to in paragraphs one and two of this Article shall be conducted by the Insurance Supervision Agency on working days between 8:00 and 18:00 hours. Where the scope or nature of the review so require, the Insurance Supervision Agency may also conduct the review after 18:00 or on non-working days.

(5) The Insurance Supervision Agency shall conduct the review of business in such a way that it impedes an insurance undertaking’s normal business only to the extent required to attain the purpose of supervision.

298. člen
(zahteva za pregled poslovanja)

(1) Zahteva za pregled poslovanja je zavarovalnici vročena najmanj osem dni pred začetkom pregleda poslovanja.

(2) Ne glede na prejšnji odstavek lahko pooblaščena oseba Agencije za zavarovalni nadzor zahtevo za pregled poslovanja vroči šele ob začetku opravljanja pregleda poslovanja, če drugače ne bi bilo mogoče doseči namena posameznega nadzora. Zahteva za pregled poslovanja se v tem primeru poda članom uprave zavarovalnice ali pooblaščencem neposredno v postopku pregleda poslovanja v prostorih, kjer poteka pregled poslovanja. Če uprava zavarovalnice ali pooblaščenec niso dosegljivi, se zahteva za pregled poslovanja izroči zaposlenemu, pristojnemu za sprejem pošte.

(3) Zahteva za pregled poslovanja obsega določno navedbo poslovnih knjig, poslovne dokumentacije ter administrativnih oziroma poslovnih evidenc, ki so predmet pregleda.

(4) V primeru iz tretjega odstavka prejšnjega člena zahteva za pregled poslovanja obsega določno navedbo poslovnih knjig, poslovne dokumentacije ter administrativnih oziroma poslovnih evidenc, ki jih je v obliki računalniških izpiskov oziroma kopij treba izročiti, in rok za predložitev.

(5) Zahteva za pregled poslovanja obsega tudi pravni pouk o pravnih posledicah, ki lahko nastopijo, če zavarovalnica ne bo ravnala v skladu z zahtevo za pregled poslovanja oziroma Agenciji za zavarovalni nadzor ne bo omogočila opravljanja pregleda poslovanja na način, določen v prejšnjem členu.

(6) Agencija za zavarovalni nadzor lahko med opravljanjem pregleda poslovanja dopolni zahtevo za pregled poslovanja, če je to potrebno, da se doseže namen nadzora, kot je določen v prvem odstavku 277. člena tega zakona. Za dopolnitev zahteve se smiselno uporabljajo drugi, tretji in četrti odstavek tega člena.

Article 298
(Request for review of business)

(1) A request for a review of business shall be served on the insurance undertaking at least eight days prior to the start of the review.

(2) Notwithstanding the preceding paragraph, the authorised person of the Insurance Supervision Agency may serve a request for a review of business at the beginning of the review, if otherwise it would be impossible to achieve the purpose of a particular supervision. In this case, the request for a review of business shall be submitted to members of the management board of the insurance undertaking or authorised persons directly during the review of business at the premises where the review is conducted. If the management board of the insurance undertaking or the authorised person are not available, a request for a review of business shall be submitted to an employee competent for receiving mail.

(3) A request for a review of business shall contain a precise indication of books of account, business documents and administrative or business records that are the subject of the review.

(4) In the case referred to in paragraph three of the preceding Article, the request for a review of business shall contain a precise indication of books of account, business documents and administrative or business records which must be submitted in the form of computer printouts or copies, together with the deadline for submission.

(5) A request for a review of business shall also include a legal instruction on the legal consequences that may arise if the insurance undertaking does not act in accordance with the request for the review of business or does not allow the Insurance Supervision Agency to conduct the review of business in the manner laid down in the preceding Article.

(6) The Insurance Supervision Agency may supplement a request for a review of business during the course thereof, if this is necessary to achieve the purpose of supervision as laid down in paragraph one of Article 277 of this Act. Paragraphs two, three and four of this Article shall apply *mutatis mutandis* to the supplementation of a request.

299. člen
(pogoji za opravljanje pregleda poslovanja)

(1) Zavarovalnica pooblaščenim osebam Agencije za zavarovalni nadzor zagotovi ustrezne prostore, v katerih lahko nemoteno in brez prisotnosti drugih oseb opravijo pregled poslovanja.

(2) Zavarovalnica zagotovi, da so v času, v katerem pooblaščene osebe Agencije za zavarovalni nadzor opravljajo pregled poslovanja v prostorih iz prvega odstavka 297. člena tega zakona, v teh prostorih prisotni zakoniti zastopniki oziroma zastopnice zavarovalnice, zaposleni pri zavarovalnici ali druge pooblaščene osebe zavarovalnice, ki lahko na zahtevo pooblaščenih oseb Agencije za zavarovalni nadzor dajo ustrezna pojasnila v zvezi s poslovnimi knjigami, poslovno dokumentacijo, poslovnimi dogodki ter administrativnimi oziroma poslovnimi evidencami, ki so predmet pregleda. Zakoniti zastopniki oziroma zastopnice zavarovalnice, zaposleni pri zavarovalnici ali druge pooblaščene osebe zavarovalnice pooblaščenim osebam Agencije za zavarovalni nadzor omogočijo neposreden dostop in vpogled v originalno poslovno dokumentacijo, poslovne knjige in administrativne oziroma poslovne evidence, ki so predmet pregleda poslovanja.

300. člen
(pogoji za pregled računalniško vodenih poslovnih knjig in evidenc)

(1) Zavarovalnica za podatke, ki jih računalniško obdeluje, in za poslovne knjige in druge evidence, razen zbirk osebnih podatkov iz 268. člena tega zakona, na zahtevo pooblaščene osebe Agencije za zavarovalni nadzor zagotovi ustrezne pripomočke za pregled poslovnih knjig in evidenc ter preizkušanje ustreznosti računalniško obravnavanih podatkov.

(2) Zavarovalnica pooblaščeni osebi Agencije za zavarovalni nadzor izroči dokumentacijo, iz katere je razviden popolni opis dela računalniško vodenih informacijskih sistemov zavarovalnice. Iz dokumentacije so razvidni njihovi podsistemi in datoteke računalniškega

Article 299
(Conditions for conducting a review of business)

(1) Insurance undertakings shall provide the authorised persons of the Insurance Supervision Agency with appropriate premises in which they can conduct a review of business unimpeded and without the presence of other persons.

(2) Insurance undertakings shall ensure that, at the time when authorised persons of the Insurance Supervision Agency are conducting a review of business in the premises referred to in paragraph one of Article 297 of this Act, legal representatives of the insurance undertaking, employees or other authorised persons of the undertaking are present at the premises, with the aim of providing relevant explanations, at the request of authorised persons of the Insurance Supervision Agency, in connection with the books of account, business documents, business events and administrative or business records that are subject to the review. Legal representatives of the insurance undertaking, employees or other authorised persons of the insurance undertaking shall enable authorised persons of the Insurance Supervision Agency direct access to and insight into the original business documents, books of account, and administrative or business records that are subject to the review.

Article 300
(Conditions for review of computerised books of account and records)

(1) An insurance undertaking shall for computer-processed data and for books of account and other records, except databases with personal data referred to in Article 268 of this Act, at the request of the authorised person of the Insurance Supervision Agency, ensure appropriate tools for the review of books of account and records, and for testing the appropriateness of computer-processed data.

(2) An insurance undertaking shall submit to the authorised person of the Insurance Supervision Agency documents from which a complete description of the computerised information systems of the insurance undertaking is evident. The documents shall show their

sistema. Dokumentacija zagotavlja vpogled v:

1. računalniško rešitev,
2. postopke v okviru računalniške rešitve,
3. kontrole, ki zagotavljajo pravilno in zanesljivo obdelavo podatkov,
4. kontrole, ki preprečujejo nepooblaščeno dodajanje, spreminjanje ali brisanje hranjenih računalniških zapisov.

(3) Vsaka sprememba računalniške rešitve (računalniških programov) iz prejšnjega odstavka je dokumentirana v časovnem zaporedju nastanka spremembe, skupaj z datumom spremembe. Iz dokumentacije je razvidna tudi vsaka sprememba oblike datotek.

301. člen
(zapisnik o pregledu poslovanja)

(1) Pooblaščene osebe Agencije za zavarovalni nadzor o pregledu poslovanja sestavijo zapisnik.

(2) Zapisnik je izdan v 15 dneh po končanem pregledu poslovanja s pozivom, da lahko da zavarovalnica v roku 15 dni od prejema zapisnika nanj pripombe. Če je zaradi razjasnitve dejanskega stanja, ki izhaja iz navajanih novih dejstev in predlaganih dokazov, potrebno, lahko Agencija za zavarovalni nadzor v tem delu ponovi pregled poslovanja.

(3) Če Agencija za zavarovalni nadzor pri pregledu poslovanja ne ugotovi kršitve predpisov iz prvega odstavka 277. člena tega zakona, o tem pisno obvesti zavarovalnico.

7.4. *Odprava kršitev*

302. člen
(odredba)

(1) Če Agencija za zavarovalni nadzor pri opravljanju nadzora ugotovi kršitve predpisov iz prvega odstavka 277. člena tega zakona,

subsystems and data files of the computer system. The documents shall provide an insight into:

1. the IT solutions,
2. the procedures within an IT solution,
3. control mechanisms ensuring correct and reliable data processing,
4. controls which prevent unauthorised addition, alteration or deletion of saved computer entries.

(3) Any change to the computer systems (computer programmes) referred to in the preceding paragraph shall be documented in the time sequence of the occurrence of the change, together with the date of the change. Every change to file formats shall also be evident from the documentation.

Article 301
(Record on review of business)

(1) The authorised persons of the Insurance Supervision Agency shall keep a record of reviews of business.

(2) A record shall be issued within 15 days of the conclusion of the review of business with a call to the insurance undertaking to submit comments on the record within 15 days of receipt of the record. If deemed necessary in order to clarify the actual situation arising from the stated new facts and proposed evidence, the Insurance Supervision Agency may in this part repeat the review of business.

(3) If, during the review of business, the Insurance Supervision Agency does not identify violations referred to in paragraph one of Article 277 of this Act, it shall inform in writing the insurance undertaking thereof.

7.4. *Elimination of violations*

Article 302
(Order)

(1) If the Insurance Supervision Agency, during the review of business, identifies violations of the regulations referred to in paragraph

zavarovalnici z odredbo naloži, da odpravi kršitve oziroma nepravilnosti oziroma da opravi ali opusti določena dejanja (v nadaljnjem besedilu: odprava kršitev).

(2) V odredbi o odpravi kršitev določi Agencija za zavarovalni nadzor rok za odpravo kršitev. Rok za odpravo kršitve mora ustrezati predvideni težavnosti ukrepov za odpravo kršitev ter pomenu kršitve za varno poslovanje zavarovalnice.

303. člen
(predložitev poročila pooblaščenega revizorja o odpravi kršitev)

Če Agencija za zavarovalni nadzor ugotovi kršitve pri vodenju poslovnih knjig oziroma administrativnih in drugih evidenc, ki jih je dolžna voditi zavarovalnica, oziroma druge pomembnejše kršitve pri poslovanju zavarovalnice, lahko zavarovalnici z odredbo o odpravi kršitev tudi naloži, da predloži poročilo z mnenjem pooblaščenega revizorja o odpravi kršitev.

304. člen
(poročilo o odpravi kršitev)

(1) Zavarovalnica v roku, določenem z odredbo o odpravi kršitev, odpravi ugotovljene kršitve in Agenciji za zavarovalni nadzor dostavi poročilo, v katerem opiše ukrepe za odpravo kršitev (v nadaljnjem besedilu: poročilo o odpravi kršitev).

(2) Poročilu o odpravi kršitev je treba priložiti listine in druge dokaze, iz katerih izhaja, da so bile ugotovljene kršitve odpravljene, in v primeru iz prejšnjega člena tudi poročilo pooblaščenega revizorja o odpravi kršitev.

(3) Če je poročilo o odpravi kršitev nepopolno oziroma iz poročila in priloženih dokazov ne izhaja, da so ugotovljene kršitve odpravljene, Agencija za zavarovalni nadzor z odredbo o dopolnitvi poročila pozove zavarovalnico, da v roku, ki ga določi v odredbi o dopolnitvi poročila, dopolni poročilo. V pravnem pouku Agencija za

one of Article 277 of this Act, it shall order the insurance undertaking to eliminate the violations or irregularities or eliminate or abandon certain actions (hereinafter: elimination of violations).

(2) The Insurance Supervision Agency shall in the order determine a deadline for elimination of violations. The deadline for the elimination of violations must correspond to the envisaged difficulty of the measures for the elimination of violations and to the significance of the violation for the safe business of the insurance undertaking.

Article 303
(Submission of certified auditor's report on elimination of violations)

If the Insurance Supervision Agency identifies violations in the keeping of books of account or administrative and other records which an insurance undertaking is required to keep, or any other significant violations in the business of the insurance undertaking, it may also order the insurance undertaking to submit a report with a certified auditor's opinion on the elimination of violations.

Article 304
(Report on elimination of violations)

(1) The insurance undertaking shall eliminate identified violations and submit to the Insurance Supervision Agency a report specifying the measures for elimination of violations within the deadline for the elimination of violations laid down by the order (hereinafter: report on elimination of violations).

(2) The report on elimination of violations shall be accompanied by documents and other evidence showing that the established violations have been eliminated and, in the case referred to in the preceding Article, also a certified auditor's report on elimination of violations.

(3) If the report on elimination of violations is incomplete or the report or the attached evidence do not show that the established violations have been eliminated, the Insurance Supervision Agency shall issue an order to supplement the report requiring the insurance undertaking to supplement the report within the deadline determined in the order to

zavarovalni nadzor zavarovalnico opozori, da bo v nasprotnem primeru začela postopek za odvzem dovoljenja za opravljanje zavarovalnih poslov na podlagi 3. točke prvega odstavka 312. člena tega zakona.

305. člen
(ugotovitvena odločba o odpravi kršitev)

(1) Če iz poročila o odpravi kršitev in priloženih dokazov izhaja, da so bile kršitve odpravljene, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da so bile kršitve odpravljene (v nadaljnjem besedilu: odločba o odpravi kršitev).

(2) Agencija za zavarovalni nadzor lahko pred izdajo odločbe o odpravi kršitev opravi ponoven pregled poslovanja v obsegu, potrebnem za ugotovitev, ali so kršitve odpravljene.

306. člen
(rok za odločitev o odpravi kršitev)

(1) Agencija za zavarovalni nadzor odredbo o dopolnitvi poročila o odpravi kršitev oziroma ugotovitveno odločbo o odpravi kršitev izda v dveh mesecih po prejemu poročila o odpravi kršitev, sicer se šteje, da so bile kršitve odpravljene.

(2) Ne glede na prejšnji odstavek v primeru, kadar kršitve niso bile odpravljene, Agencija za zavarovalni nadzor v roku iz prejšnjega odstavka začne postopek za izrek drugega ukrepa nadzora.

7.5. *Dodatni ukrepi za uresničevanje pravil o upravljanju zavarovalnice*

307. člen
(razlogi za dodatne ukrepe za uresničevanje pravil o upravljanju

supplement the report. In the legal instruction, the Insurance Supervision Agency shall warn the insurance undertaking that, otherwise, it will commence the procedure to withdraw authorisation to conduct insurance business pursuant to point 3 of paragraph one of Article 312 of this Act.

Article 305
(Declaratory decision on elimination of violations)

(1) If the report on elimination of violations and the attached evidence show that the violations have been eliminated, the Insurance Supervision Agency shall issue a decision stating that the violations have been eliminated (hereinafter: decision on elimination of violations).

(2) Prior to issuing a decision on elimination of violations, the Insurance Supervision Agency may conduct another review of business to the extent necessary to determine whether the violations have been eliminated.

Article 306
(Deadline for decision on elimination of violations)

(1) The Insurance Supervision Agency shall issue an order to supplement the report on elimination of violations or a declaratory decision on elimination of violations within two months of receipt of the report on elimination of violations, otherwise the violations shall be deemed to have been eliminated.

(2) Notwithstanding the preceding paragraph, in the case where the violations have not been eliminated, the Insurance Supervision Agency shall initiate the procedure for imposing another supervisory measure within the time limit referred to in the previous paragraph.

7.5. *Additional measures for implementing the rules on the management of an insurance undertaking*

Article 307
(Reasons for additional measures for implementing rules on the

zavarovalnice)

Agencija za zavarovalni nadzor odredi zavarovalnici dodatne ukrepe za uresničevanje pravil o upravljanju zavarovalnice, če:

1. zavarovalnica ni vzpostavila ali ne uresničuje trdnega in zanesljivega sistema upravljanja iz 50. člena tega zakona, v skladu s tem zakonom in s predpisi o upravljanju zavarovalnice;

2. zavarovalnica ni vzpostavila ali ne uresničuje sistema poročanja iz 279. člena tega zakona;

3. zavarovalnica ne izpolnjuje zahtev tega zakona in predpisov glede sistema upravljanja tveganj iz 154. člena tega zakona, v skladu s tem zakonom in s predpisi o upravljanju tveganj;

4. zavarovalnica ne izvaja lastne ocene tveganj in solventnosti iz 156. člena tega zakona;
5. zavarovalnica pri svojem poslovanju ne spoštuje omejitev, določenih s tem zakonom in predpisi o upravljanju zavarovalnice;

6. zavarovalnica ne izračunava kapitalskih zahtev ali ne poroča Agenciji za zavarovalni nadzor o kapitalskih zahtevah v skladu s 4.10. in 4.11. oddelkom tega zakona in s predpisi o upravljanju zavarovalnice.

308. člen
(vrste dodatnih ukrepov za uresničevanje pravil o upravljanju zavarovalnice)

(1) Agencija za zavarovalni nadzor lahko za uresničevanje pravil o upravljanju zavarovalnice odredi naslednje dodatne ukrepe:

1. naloži upravi zavarovalnice, da sprejme potrebne ukrepe, ki bodo zagotovili zavarovalnici, da bo znesek primernih lastnih virov sredstev višji od izračunanega zahtevanega solventnostnega kapitala;

2. zavarovalnici omeji ali prepove prosto razpolaganje s sredstvi;
3. zavarovalnici naloži kapitalski dodatek;

management of an insurance undertaking)

The Insurance Supervision Agency shall order additional measures to an insurance undertaking for implementing the rules on the management of an insurance undertaking if:
1. the insurance undertaking has not established or has not been implementing a sound and reliable governance system as referred to in Article 50 of this Act, in accordance with this Act and the regulations on the management of the insurance undertaking;
2. the insurance undertaking has not established or has not been implementing the reporting system referred to in Article 279 of this Act;
3. the insurance undertaking does not comply with requirements provided by this Act and the regulations on the risk management system referred to in Article 154 of this Act in accordance with this Act and the regulations on risk management;
4. the insurance undertaking does not carry out its own risk and solvency assessment as referred to in Article 156 of this Act;
5. in its business, the insurance undertaking does not comply with limitations provided by this Act and the regulations on the management of insurance undertakings;
6. the insurance undertaking does not calculate the capital requirements or does not report to the Insurance Supervision Agency regarding the capital requirements in accordance with Sections 4.10 and 4.11 of this Act and the regulations on the management of insurance undertakings.

Article 308
(Types of additional measures for implementing rules on the management of an insurance undertaking)

(1) The Insurance Supervision Agency may order the following additional measures for the purpose of implementing the rules on the management of an insurance undertaking:
1. impose on the management board of the insurance undertaking the adoption of necessary measures which will ensure that the amount of eligible own funds will be higher than the calculated solvency capital requirement;
2. limit or prohibit the insurance undertaking's free disposal of assets;
3. impose a capital add-on on the insurance undertaking;

4. naloži upravi in nadzornemu svetu zavarovalnice, da skličeta skupščino delničarjev zavarovalnice ter predlagata sprejem ustreznih sklepov, kot sta:

   - sklep o povečanju osnovnega kapitala zavarovalnice z novimi vložki,
   - sklep o povečanju osnovnega kapitala zavarovalnice iz sredstev družbe;
5. naloži nadzornemu svetu zavarovalnice, da razreši člana oziroma člane uprave zavarovalnice in imenuje novega člana oziroma člane uprave zavarovalnice;
6. prepove zavarovalnici:
   - opravljanje določenih vrst izplačil oziroma izplačil določenim osebam,
   - sklepanje novih zavarovalnih pogodb v posamezni ali vseh zavarovalnih vrstah,
   - sklepanje poslov s posameznimi delničarji, člani uprave zavarovalnice, člani nadzornega sveta zavarovalnice, družbami, ki so z zavarovalnico v razmerju tesne povezanosti, ali investicijskimi skladi, ki jih upravlja družba za upravljanje, ki je z zavarovalnico v razmerju tesne povezanosti;

7. prepove ali omeji opravljanje posameznih ali vseh poslov določene vrste ali širjenje mreže poslovalnic zavarovalnice;

8. naloži upravi zavarovalnice, da sprejme in opravi ukrepe za:

   - izboljšanje sistema upravljanja v skladu s 50. členom tega zakona,
   - spremembo področij poslovanja zavarovalnice,
   - omejitev dajanja posojil,
   - izboljšanje postopkov izterjatve zapadlih terjatev zavarovalnice,

   - pravilno vrednotenje bilančnih in zunajbilančnih postavk,
   - izboljšanje informacijskega sistema,
   - izboljšanje postopkov sistema notranjih kontrol in notranjega revidiranja;
9. naloži zavarovalnici, da pri nadaljnjem poslovanju zmanjša tveganja, ki jim je izpostavljena;
10. naloži nadzornemu svetu zavarovalnice, da imenuje ustrezne komisije za posamezne sklope strokovnih nalog iz pristojnosti nadzornega sveta;

4. impose on the management board and supervisory board of the insurance undertaking the obligation to call a general meeting of shareholders of the insurance undertaking and to propose the adoption of appropriate resolutions, such as:
   - a resolution to increase the share capital of the insurance undertaking with new contributions,
   - a resolution to increase the share capital of the insurance undertaking from the company's assets;
5. impose on supervisory board of the insurance undertaking to dismiss a member or members of the management board and to appoint a new member or members of the management board;
6. prohibit the insurance undertaking from:
   - making certain types of payments or payments to certain persons,

   - concluding new insurance contracts in individual or all insurance classes,
   - conducting business with individual shareholders, members of the management board of the insurance undertaking, members of the supervisory board of the insurance undertaking, undertakings having close links with the insurance undertaking, or investment funds managed by an asset management company having close links with the insurance undertaking;
7. prohibit or restrict the conducting of individual or all types of business in a certain insurance class, or the expansion of the insurance undertaking’s branch network;
8. impose on the management board of the insurance undertaking to adopt and implement the measures to:
   - improve the governance system pursuant to Article 50 of this Act,
   - change the area of the insurance undertaking’s business,
   - restrict the granting of loans,
   - improve the procedures of recovering the insurance undertaking’s outstanding claims,
   - properly value balance and off-balance sheet items,
   - improve the information system,
   - improve the procedures of internal control and internal audit system;

9. impose on the insurance undertaking to reduce risk exposure in its future business;
10. impose on the supervisory board of the insurance undertaking to appoint appropriate committees for individual areas of professional tasks within the supervisory board's competence;

11. naloži zavarovalnici, da poveča znesek zavarovalno-tehničnih rezervacij, da ustreza ravni, izračunani v skladu z 4.8 oddelkom tega zakona;
12. naloži zavarovalnici druge ukrepe, potrebne za uresničitev pravil o upravljanju zavarovalnice.

(2) Ukrep iz 2. točke prejšnjega odstavka lahko Agencija za zavarovalni nadzor odredi zavarovalnici:

1. če sredstva, ki so namenjena kritju bodočih obveznosti iz premoženjskih ali življenjskih zavarovanj, ne pokrivajo zavarovalno-tehničnih rezervacij;
2. v primeru, ko so primerni osnovni lastni viri sredstev manjši od zahtevanega minimalnega kapitala;
3. če po izvedenih ukrepih iz 249. člena tega zakona oceni, da se bo finančni položaj zavarovalnice še naprej slabšal,

4. v primeru odvzema dovoljenja za opravljanje zavarovalnih poslov.

(3) Agencija za zavarovalni nadzor o ukrepu iz 2. točke prvega odstavka tega člena obvesti nadzorni organ države članice, v kateri ima zavarovalnica, ki ji je Agencija za zavarovalni nadzor izrekla ukrep, podružnico. V obvestilu navede tudi pravne posledice in dejanske učinke izdane odredbe.

(4) Ukrep iz 5. točke prvega odstavka tega člena lahko Agencija za zavarovalni nadzor odredi zavarovalnici, če:

1. zavarovalnica ne ravna v skladu z odredbo o odpravi kršitev,

2. uprava zavarovalnice ne opravi dodatnih ukrepov iz prvega odstavka tega člena,

3. zavarovalnica ponavljajoče krši dolžnost pravočasnega in pravilnega poročanja oziroma obveščanja Agencije za zavarovalni nadzor ali če ovira opravljanje nadzora v skladu z 296. do 300. členom tega zakona.

11. impose on the insurance undertaking an increase in the amount of technical provisions to correspond to the level calculated pursuant to Section 4.8 of this Act;
12. impose on the insurance undertaking to adopt other measures required for implementation of the rules on the management of insurance undertakings.

(2) The Insurance Supervision Agency may order the insurance undertaking to adopt the measure referred to in point 2 of the preceding paragraph:

1. if the funds intended to cover future obligations under non-life or life insurance do not cover technical provisions;

2. in the case of eligible basic own funds being lower than the minimum capital requirement;
3. if, after the measures referred to in Article 249 of this Act have been implemented, it assesses that the financial condition of the insurance undertaking will continue to deteriorate,
4. in the case of withdrawal of authorisation to conduct insurance business.

(3) The Insurance Supervision Agency shall notify the supervisory authority of the Member State in which is located the branch of an insurance undertaking on which the Insurance Supervision Agency has imposed the measure, of the measure referred to in point 2 of paragraph one of this Article. The notification shall also indicate the legal consequences and actual effects of the issued order.

(4) The Insurance Supervision Agency may order the measure referred to in point 5 of paragraph one of this Article on an insurance undertaking if:

1. the insurance undertaking fails to comply with the order on elimination of violations,
2. the management board of the insurance undertaking does not implement additional measures referred to in paragraph one of this Article,
3. the insurance undertaking repeatedly violates the duty to ensure timely and correct reporting to or notification of the Insurance Supervision Agency, or hinders supervision pursuant to Articles 296 to 300 of this Act.

309. člen
(kapitalski dodatek in sorazmerna dodatna kapitalska zahteva)

(1) Agencija za zavarovalni nadzor določi zavarovalnici kapitalski dodatek v skladu z:
- drugim do sedmim odstavkom tega člena,
- akti, ki jih izda Evropska komisija na podlagi šestega in sedmega odstavka 37. člena Direktive 2009/138/ES, in
- izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi osmega odstavka 37. člena Direktive 2009/138/ES.

(2) Seštevek kapitalskega dodatka in zahtevanega solventnostnega kapitala, izračunanega s standardno formulo ali notranjim modelom, je ustrezni zahtevani solventnostni kapital zavarovalnice.

(3) Agencija za zavarovalni nadzor lahko z odredbo, ki navaja razloge za to, zavarovalnici odredi kapitalski dodatek, če oceni, da:

1. tveganja zavarovalnice močno odstopajo od predpostavk, uporabljenih v standardni formuli, in:
   - je uporaba notranjega modela za zavarovalnico neustrezna ali
   - je zavarovalnica v postopku razvijanja delnega ali popolnega notranjega modela;
2. tveganja zavarovalnice močno odstopajo od predpostavk, uporabljenih v notranjem modelu, in notranji model ni bil prilagojen v ustreznem časovnem obdobju;
3. sistem upravljanja zavarovalnice močno odstopa od standardov, določenih v tem zakonu ali predpisih o upravljanju tveganj, in te razlike zavarovalnici onemogočajo pravilno opredelitev, ocenjevanje, spremljanje, upravljanje in poročanje o tveganjih, ki jim je ali bi jim lahko bila izpostavljena;
4. tveganje zavarovalnice, ki uporablja uskladitveno prilagoditev krivulje netvegane obrestne mere iz 182. člena tega zakona ali prilagoditev za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona ali prehodne ukrepe iz 639. oziroma 640. člena tega zakona, znatno odstopa od predpostavk, ki so podlaga za te prilagoditve oziroma prehodne ukrepe.

Article 309
(Capital add-on and proportionate additional capital charge)

(1) The Insurance Supervision Agency shall determine the capital add-on for an insurance undertaking in accordance with:
- paragraphs two to seven of this Article,
- acts issued by the European Commission pursuant to Article 37(6) and (7) of Directive 2009/138/EC, and
- implementing technical standards issued by the European Commission pursuant to Article 37(8) of Directive 2009/138/EC.

(2) The sum of the capital add-on and the solvency capital requirement, calculated with the standard formula or an internal model, shall be the appropriate solvency capital requirement of an insurance undertaking.

(3) The Insurance Supervision Agency may impose, by an order stating the reasons, the capital add-on on an insurance undertaking, if it assesses that:
1. the risks of the insurance undertaking deviate significantly from the assumptions used in the standard formula, and:
   - the use of the internal model is inappropriate for the insurance undertaking or
   - the insurance undertaking is in the process of developing a partial or full internal model;
2. the risks of the insurance undertaking deviate significantly from the assumptions used in the internal model and the adaptation of the internal model has failed within an appropriate timeframe;
3. the governance system of the insurance undertaking deviates significantly from the standards laid down in this Act or regulations on risk management, and such deviations prevent the insurance undertaking from correctly identifying, measuring, monitoring, managing and reporting the risks to which it is or could be exposed;
4. the risk of an insurance undertaking applying the matching adjustment of the risk-free interest rate term structure referred to in Article 182 of this Act or the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act or the transitional measures referred to in Article 639 or Article 640 of this Act significantly deviates from the assumptions underlying these

(4) Agencija za zavarovalni nadzor določi v primeru iz 1. in 2. točke prejšnjega odstavka kapitalski dodatek tako, da upošteva četrti in peti odstavek 203. člena tega zakona. V primeru iz 3. točke prejšnjega odstavka je kapitalski dodatek sorazmeren pomembnim tveganjem, ki nastanejo zaradi pomanjkljivosti, zaradi katerih se je Agencija za zavarovalni nadzor odločila, da določi kapitalski dodatek. V primeru iz 4. točke prejšnjega odstavka je kapitalski dodatek sorazmeren pomembnim tveganjem, ki nastanejo zaradi odstopanja iz navedene točke.

(5) V primeru iz 2. in 3. točke tretjega odstavka tega člena Agencija za zavarovalni nadzor z odredbo, s katero zavarovalnici odredi kapitalski dodatek, določi tudi druge ukrepe iz prvega odstavka prejšnjega člena, ki jih opravi zavarovalnica, da bi zanjo prenehal veljati kapitalski dodatek.

(6) Agencija za zavarovalni nadzor preuči kapitalski dodatek zavarovalnice najmanj enkrat letno in ga z odločbo odpravi, ko oceni, da je zavarovalnica odpravila pomanjkljivosti, ki so pripeljale do njegove uvedbe.

(7) Zahtevani solventnostni kapital ne sme vsebovati kapitalskega dodatka v primeru iz 3. točke tretjega odstavka tega člena za namen izračuna dodatka za tveganje iz 180. člena tega zakona.

(8) Agencija za zavarovalni nadzor zavarovalnici naloži sorazmerno dodatno kapitalsko zahtevo v skladu z:

- devetim odstavkom tega člena,
- aktom, ki ga izda Evropska komisija na podlagi c) točke drugega odstavka 135. člena Direktive 2009/138/ES, in
- regulativnimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi tretjega odstavka 135. člena Direktive 2009/138/ES.

(9) Dodatno sorazmerno kapitalsko zahtevo lahko Agencija za zavarovalni nadzor naloži zavarovalnici, kadar so pri nalaganju sredstev zavarovalnice v tržne vrednostne papirje in druge finančne instrumente, ki

adjustments or transitional measures.

(4) In the cases referred to in points 1 and 2 of the preceding paragraph, the Insurance Supervision Agency shall determine the capital add-on by taking into account paragraphs four and five of Article 203 of this Act. In the case referred to in point 3 of the preceding paragraph, the capital add-on shall be proportionate to the material risks arising from deficiencies which gave rise to the decision of the Insurance Supervision Agency to set the capital add-on. In the case referred to in point 4 of the preceding paragraph, the capital add-on shall be proportionate to the material risks arising from deficiencies referred to in said point.

(5) In the cases referred to in points 2 and 3 of paragraph three of this Article, the Insurance Supervision Agency shall, by an order imposing the capital add-on on the insurance undertaking, also determine other measures referred to in paragraph one of the preceding Article which the insurance undertaking must implement in order for the capital add-on to cease to apply.

(6) The Insurance Supervision Agency shall review the capital add-on of an insurance undertaking at least once annually, and eliminate it by a decision when it assesses that the insurance undertaking has remedied the deficiencies which led to its imposition.

(7) The solvency capital requirement shall not include a capital add-on in the case referred to in point 3 of paragraph three of this Article for the purpose of calculation of the risk margin referred to in Article 180 of this Act.

(8) The Insurance Supervision Agency shall impose a proportionate additional capital charge on an insurance undertaking pursuant to:

- paragraph nine of this Article,
- the act issued by the European Commission pursuant to Article 135(2)(c) of Directive 2009/138/EC, and
- regulatory technical standards issued by the European Commission pursuant to Article 135(3) of Directive 2009/138/EC.

(9) An additional capital charge may be imposed by the Insurance Supervision Agency on an insurance undertaking, if the requirement regarding the investment of funds of the insurance

temeljijo na preoblikovanih posojilih, kršene zahteve, ki jih določajo akti, izdani na podlagi a) in b) točke drugega odstavka 135. člena Direktive 2009/138/ES.

310. člen
(uporaba določb o odpravi kršitev)

Za dodatne ukrepe za uresničevanje pravil o upravljanju tveganj se smiselno uporabljajo določbe 7.4. oddelka tega zakona. Pri smiselni uporabi se namesto besedila »odprava kršitev« uporablja besedilo »izvršitev dodatnih ukrepov za uresničevanje pravil o upravljanju zavarovalnice«.

311. člen
(prosto razpolaganje s sredstvi zavarovalnice države članice)

Agencija za zavarovalni nadzor prepove zavarovalnici države članice na ozemlju Republike Slovenije prosto razpolagati s tistimi sredstvi, na katere se na podlagi prepovedi nadzornega organa države, kjer ima zavarovalnica sedež, nanaša prepoved prostega razpolaganja s sredstvi.

7.6. *Odvzem in pogojni odvzem dovoljenja*

312. člen
(razlogi za odvzem dovoljenja za opravljanje zavarovalnih poslov)

(1) Agencija za zavarovalni nadzor odvzame zavarovalnici dovoljenje za opravljanje zavarovalnih poslov, če:

1. je bilo dovoljenje pridobljeno z navajanjem neresničnih podatkov;
2. zavarovalnica ne izpolnjuje pogojev glede zahtevanega minimalnega

undertaking in marketable securities and other financial instruments, based on repackaged loans, have been violated as provided by the acts issued pursuant to Article 135(2)(a) and (b) of Directive 2009/138/EC.

Article 310
(Application of provisions on elimination of violations)

For additional measures, the provisions of Section 7.4 of this Act shall apply, *mutatis mutandis*, for the purpose of implementing the rules on risk management. In such application, *mutatis mutandis*, the text "the implementation of additional measures to implement the rules on risk management of the insurance undertaking" shall apply instead of the text "elimination of violations".

Article 311
(Free disposal of assets of an insurance undertaking from a Member State)

The Insurance Supervision Agency shall prohibit an insurance undertaking from a Member State of freely disposing of those assets in the territory of the Republic of Slovenia to which the prohibition of free disposal of assets applies according to a prohibition issued by the supervisory authority of the Member State where the insurance undertaking has its head office.

7.6. *Withdrawal and conditional withdrawal of authorisation to conduct insurance business*

Article 312
(Grounds for withdrawal of authorisation to conduct insurance business)

(1) The Insurance Supervision Agency shall withdraw authorisation to conduct insurance business from an insurance undertaking if:

1. the authorisation was obtained by stating false information;
2. the insurance undertaking fails to comply with the conditions

kapitala in je kratkoročni finančni načrt neustrezen oziroma ga zavarovalnica ne izpolni v treh mesecih od ugotovitve, da zavarovalnica ne izpolnjuje pogojev glede zahtevanega minimalnega kapitala;

3. zavarovalnica ne ravna v skladu z odredbo o odpravi kršitev;

4. je zavarovalnici odredila dodatni ukrep iz 5. točke prvega odstavka 308. člena tega zakona in nadzorni svet v roku, določenem za izvršitev dodatnega ukrepa, ni razrešil člana oziroma članov uprave zavarovalnice in imenoval novih;

5. če so podani razlogi za odvzem dovoljenja za pridobitev kvalificiranega deleža osebi, ki je neposredno oziroma posredno nadrejena oseba zavarovalnici;
6. zavarovalnica ne izpolnjuje več pogojev, ki se zahtevajo za pridobitev dovoljenja za opravljanje zavarovalnih poslov v skladu s tem zakonom;
7. so podane okoliščine, zaradi katerih je oteženo učinkovito izvajanje nadzora nad zavarovalnico, in z drugimi ukrepi nadzora ni mogoče odpraviti kršitve.

(2) Če so hkrati podani razlogi za odvzem dovoljenja iz prejšnjega odstavka in razlogi za začetek prisilne likvidacije iz 328. člena tega zakona, Agencija za zavarovalni nadzor oba postopka združi.

(3) Če zavarovalnica ne izpolnjuje tehničnih, kadrovskih, organizacijskih oziroma drugih pogojev za opravljanje posameznih zavarovalnih poslov v posameznih zavarovalnih vrstah, Agencija za zavarovalni nadzor z odločbo zavarovalnici odvzame dovoljenje za opravljanje zavarovalnih poslov v teh zavarovalnih vrstah.

(4) Vsak odvzem dovoljenja za opravljanje zavarovalnih poslov Agencija za zavarovalni nadzor nemudoma sporoči nadzornim organom v drugih državah članicah.

(5) Za postopek v zvezi z odvzemom dovoljenja za opravljanje zavarovalnih poslov v posameznih zavarovalnih vrstah se smiselno uporabljajo določbe 10.3.3. pododdelka tega zakona o postopku za

regarding the required minimum capital and the short-term financial plan is unsuitable or the insurance undertaking fails to fulfil it within three months of the conclusion that the insurance undertaking failed to comply with the conditions regarding the required minimum capital;

3. the insurance undertaking fails to act in accordance with an order on the elimination of violations;
4. the insurance undertaking was ordered to implement an additional measure pursuant to point 5 of paragraph one of Article 308 of this Act and if the supervisory board, within the deadline provided for implementing this measure, fails to dismiss a member or members of the management board of the insurance undertaking and appoint new ones;
5. there are grounds for withdrawal of the authorisation to acquire a qualifying holding from a person that is a direct or indirect parent entity of the insurance undertaking;
6. the insurance undertaking no longer meets the conditions required for obtaining authorisation to conduct insurance business in accordance with this Act;
7. there are circumstances that impede the effective supervision of the insurance undertaking and the violation cannot be eliminated by means of other supervisory measures.

(2) If, at the same time, there are grounds for withdrawal of the authorisation referred to in the preceding paragraph and grounds to institute compulsory liquidation referred to in Article 328 of this Act, the Insurance Supervision Agency shall join both procedures.

(3) If an insurance undertaking fails to fulfil the technical, personnel, organisational or other conditions for conducting individual insurance business under individual insurance classes, the Insurance Supervision Agency shall issue a decision withdrawing authorisation to conduct insurance business under these insurance classes from the insurance undertaking.

(4) Any withdrawal of authorisation to conduct insurance business shall be immediately notified to the supervisory authorities of other Member States.

(5) The procedure relating to the withdrawal of authorisation to conduct insurance business under individual insurance classes shall be subject to application *mutatis mutandis* of the provisions of Subsection

odvzem dovoljenja.

313. člen
(pogojni odvzem dovoljenja)

(1) Z odločbo o odvzemu dovoljenja lahko Agencija za zavarovalni nadzor hkrati izreče, da se odvzem dovoljenja ne bo izvršil, če zavarovalnica v preizkusni dobi, ki jo določi Agencija za zavarovalni nadzor in ki ne sme biti krajša od šestih mesecev in ne daljša od dveh let od dneva izdaje odločbe, ne bo storila nove kršitve, zaradi katere je mogoče odvzeti dovoljenje.

(2) Kadar Agencija za zavarovalni nadzor izreče pogojni odvzem dovoljenja, lahko določi, da bo odvzem dovoljenja izvršen tudi, če zavarovalnica v določenem roku ne odpravi kršitev, zaradi katerih ji je bil izrečen pogojni odvzem dovoljenja, oziroma ne izvrši naloženih dodatnih ukrepov za uresničevanje pravil o upravljanju zavarovalnice. Rok za izpolnitev teh obveznosti določi Agencija za zavarovalni nadzor v mejah preizkusne dobe.

(3) Prvi in drugi odstavek tega člena se ne uporabljata v primeru 2. točke prvega odstavka prejšnjega člena.

314. člen
(preklic pogojnega odvzema dovoljenja)

Agencija za zavarovalni nadzor prekliče pogojni odvzem dovoljenja in dovoljenje odvzame, če zavarovalnica v preizkusni dobi stori novo kršitev, zaradi katere je mogoče odvzeti dovoljenje, ali če ne izpolni dodatnih pogojev iz drugega odstavka prejšnjega člena.

7.7. *Izredna uprava*

315. člen

10.3.3 of this Act concerning the authorisation withdrawal procedure.

Article 313
(Conditional withdrawal of authorisation)

(1) The Insurance Supervision Agency may, by way of a decision to withdraw authorisation, at the same time also declare that authorisation will not be withdrawn if, in the trial period determined by the Insurance Supervision Agency, which must not be shorter than six months and not longer than two years from the date of issue of the decision, the insurance undertaking does not commit another violation constituting grounds for withdrawal of authorisation.

(2) When the Insurance Supervision Agency conditionally withdraws authorisation, it may also decide to withdraw authorisation if, within a specific period of time, the insurance undertaking fails to eliminate the violations due to which the authorisation has been conditionally withdrawn or if it fails to implement additionally measures that were imposed for the fulfilment of the insurance undertaking's management rules. The deadline for fulfilling such obligations shall be determined by the Insurance Supervision Agency within the limits of the trial period.

(3) Paragraphs one and two of this Article shall not apply in the case of point 2 of paragraph one of the preceding Article.

Article 314
(Revocation of conditional withdrawal of authorisation)

The Insurance Supervision Agency shall revoke the conditional withdrawal of authorisation and withdraw the authorisation, if an insurance undertaking commits another violation during the trial period that constitutes grounds for withdrawal or fails to meet the additional conditions referred to in paragraph two of the preceding Article.

7.7. *Special management*

Article 315

(razlogi za ukrepe)

(1) Agencija za zavarovalni nadzor izda odločbo o izredni upravi oziroma odločbo o povečanju osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice v naslednjih primerih, če:

1. je zavarovalnici odredila dodatne ukrepe za uresničevanje pravil o upravljanju zavarovalnice in zavarovalnica v rokih, določenih za njihovo izvedbo, teh ukrepov ni začela izvajati oziroma jih ni izvedla;
2. zavarovalnica kljub izvedenim dodatnim ukrepom ne dosega zahtevanega solventnostnega kapitala;
3. bi nadaljnje poslovanje zavarovalnice lahko ogrozilo njeno likvidnost oziroma kapitalsko ustreznost oziroma varnost zavarovalcev, zavarovancev ali drugih upravičencev.

(2) Agencija za zavarovalni nadzor lahko z eno odločbo izreče tudi oba ukrepa nadzora iz prejšnjega odstavka.

316. člen
(trajanje izredne uprave)

Z odločbo o izredni upravi Agencija za zavarovalni nadzor določi rok trajanja izredne uprave, ki ne sme biti daljši od enega leta in začne teči z dnem vročitve odločbe o izredni upravi.

317. člen
(obvestitev nadzornega organa druge države članice)

(1) Če Agencija za zavarovalni nadzor izda odločbo o izredni upravi oziroma odločbo o povečanju osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice, ki ima podružnico v drugi državi članici, še pred izdajo odločbe obvesti nadzorni organ te države članice. V obvestilu navede tudi pravne posledice in dejanske učinke izdane odločbe.

(Grounds for measures)

(1) The Insurance Supervision Agency shall issue a decision on special management or a decision on the increase of share capital in order to ensure economic stability of an insurance undertaking in the following cases:

1. if it orders an insurance undertaking to adopt additional measures to comply with insurance undertaking management rules, and if an insurance undertaking fails to begin the implementation of such measures within the deadlines set for their implementation, or if it fails to perform them altogether;
2. if an insurance undertaking, regardless of the implementation of additional measures, fails to meet the solvency capital requirement;
3. if further business of an insurance undertaking might threaten its liquidity or capital adequacy or the security of policyholders, insured persons or other beneficiaries.

(2) The Insurance Supervision Agency may impose both supervisory measures referred to in the preceding paragraph by means of a single decision.

Article 316
(Duration of special management)

By means of a decision on special management, the Insurance Supervision Agency shall lay down the duration of special management, which shall not be longer than one year and shall commence as of the day of service of the decision on special management.

Article 317
(Notifying the supervisory authority of another Member State)

(1) If the Insurance Supervision Agency issues a decision on special management or a decision on an increase of share capital in order to ensure the economic stability of an insurance undertaking with a branch in a Member State, it shall notify the supervisory authority of that Member State prior to issuing the decision. The notification shall also contain the legal consequences and actual effects of the issued decision.

(2) Agencija za zavarovalni nadzor obvesti nadzorni organ države članice iz prejšnjega odstavka tudi v primeru izdaje odločbe o podaljšanju trajanja izredne uprave v skladu s 324. členom tega zakona.

(3) Če zaradi zaščite interesov strank zavarovalnice oziroma zaradi drugih javnih koristi z izdajo odločbe iz prvega odstavka tega člena ni mogoče odlašati, Agencija za zavarovalni nadzor obvesti nadzorni organ države članice takoj po izdaji odločbe.

318. člen
(člani izredne uprave)

(1) Z odločbo o izredni upravi Agencija za zavarovalni nadzor imenuje dva ali več izrednih upraviteljev, ki so člani izredne uprave zavarovalnice, in določi vrsto ter obseg poslov, ki jih opravlja posamezni izredni upravitelj.

(2) Za izrednega upravitelja iz prejšnjega odstavka je lahko imenovana oseba, ki izpolnjuje pogoje za člana uprave zavarovalnice iz 57. člena tega zakona.

319. člen
(pogodba o zaposlitvi članov uprave)

(1) Z dnem imenovanja izredne uprave prenehajo vse posebne ugodnosti, ki jih imajo člani uprave zavarovalnice.

(2) Določba pogodbe o zaposlitvi člana uprave zavarovalnice, ki je v nasprotju s prejšnjim odstavkom, je nična.

(3) Posebne ugodnosti iz prvega odstavka tega člena so ugodnosti, ki se po predpisih o dohodnini štejejo za bonitete.

(2) The Insurance Supervision Agency shall notify the supervisory authority of a Member State referred to in the preceding paragraph even if a decision to extend the duration of special management is issued pursuant to Article 324 of this Act.

(3) If, in order to protect the interests of clients of the insurance undertaking or for other public interests, the issuing of the decision referred to in paragraph one of this Article cannot be delayed, the Insurance Supervision Agency shall notify the supervisory authority of the Member State immediately after the issue of the decision.

Article 318
(Members of special management)

(1) The Insurance Supervision Agency shall issue a decision appointing two or more special managers, who are members of the special management of the insurance undertaking, and shall determine the type and scope of the business to be performed by the individual special manager.

(2) A person who meets the requirements for a member of the management board of an insurance undertaking pursuant to Article 57 of this Act may be appointed as a special manager referred to in the preceding paragraph.

Article 319
(Employment contract for members of the management board)

(1) On the day the special management is appointed, all special benefits pertaining to the members of the management board of an insurance undertaking shall cease.

(2) Any provision laid down in an employment contract of a member of the management board of an insurance undertaking which is in contravention of the preceding paragraph shall be null and void.

(3) The special benefits referred to in paragraph one of this Article shall be benefits which, pursuant to personal income tax

regulations, are deemed bonuses.

320. člen
(vpis v sodni register)

(1) V sodni register se vpiše izdaja odločbe o izredni upravi ter sprememba oseb, pooblaščenih za zastopanje zavarovalnice.

(2) Predlog za vpis podatkov iz prejšnjega odstavka izredna uprava vloži v treh dneh po prejemu odločbe. Predlogu priloži odločbo Agencije za zavarovalni nadzor o izredni upravi.

Article 320
(Entry in the court register)

(1) The issue of the decision on special management and the change of persons authorised to represent an insurance undertaking shall be entered in the court register.

(2) The special management shall propose the registering of the information referred to in the preceding paragraph within three days of receiving the decision. The proposal shall be accompanied by the decision of the Insurance Supervision Agency on special management.

321. člen
(pravne posledice izredne uprave)

(1) V času trajanja izredne uprave Agencija za zavarovalni nadzor izvršuje pristojnosti nadzornega sveta in pristojnosti skupščine zavarovalnice, razen pristojnosti iz 325. člena tega zakona.

(2) Agencija za zavarovalni nadzor ima izrednemu upravitelju tudi pravico dajati navodila za vodenje poslov zavarovalnice, ki so zanj obvezna.

(3) Določbe tega zakona, ki se nanašajo na člana uprave zavarovalnice, se uporabljajo tudi za izrednega upravitelja, če Agencija za zavarovalni nadzor z navodili iz prejšnjega odstavka ne določi drugače.

(4) Z dnem izdaje odločbe o izredni upravi prenehajo vse pristojnosti in pooblastila članom uprave in nadzornega sveta zavarovalnice ter pristojnosti skupščine, razen pristojnosti iz 325. člena tega zakona.

Article 321
(Legal consequences of instituting special management)

(1) The Insurance Supervision Agency shall exercise the competences of the supervisory board and powers of the general meeting of an insurance undertaking, excluding the competences referred to in Article 325 of this Act, for the duration of special management.

(2) The Insurance Supervision Agency shall also be entitled to provide mandatory instructions to the special manager for managing the business of an insurance undertaking.

(3) The provisions of this Act referring to a member of the management board of an insurance undertaking shall also apply to the special manager, unless the Insurance Supervision Agency determines otherwise by virtue of its instructions referred to in the preceding paragraph.

(4) As of the date of issue of the decision on special management, all competences and authorisations of the members of the management board and the supervisory board of the insurance undertaking and the competences of the general meeting shall cease, with the exception of the competences referred to in Article 325 of this Act.

322. člen
(pooblastila v času trajanja izredne uprave)

(1) Člani uprave zavarovalnice izredni upravi nemudoma omogočijo dostop do vse poslovne in druge dokumentacije zavarovalnice in pripravijo poročilo o predaji poslov.

(2) Izredni upravi ali posameznemu izrednemu upravitelju člani uprave zavarovalnice na zahtevo dajo vsa pojasnila oziroma dodatna poročila o poslovanju zavarovalnice.

(3) Izredni upravitelj ima pravico odstraniti osebo, ki ovira njegovo delo, glede na okoliščine primera pa tudi zahtevati pomoč policije.

323. člen
(poročila izredne uprave)

(1) Izredna uprava najmanj za vsako trimesečje po izdaji odločbe o izredni upravi izdela in izroči Agenciji za zavarovalni nadzor poročilo o finančnem stanju in pogojih poslovanja zavarovalnice v izredni upravi.

(2) Izredna uprava najpozneje tri mesece pred koncem roka trajanja izredne uprave izroči Agenciji za zavarovalni nadzor poročilo o finančnem stanju in pogojih poslovanja zavarovalnice v času trajanja izredne uprave, skupaj z oceno ekonomske stabilnosti zavarovalnice in možnosti za nadaljnje poslovanje zavarovalnice, ki vključuje:

1. oceno možnosti, da bi delničarji zavarovalnice zagotovili kritje izgub, in posledice tega za finančni položaj zavarovalnice;

2. oceno možnosti za prerazporeditev in razpršitev drugih izgub zavarovalnice;

Article 322
(Authorisations during period of special management)

(1) The members of the management board of an insurance undertaking shall immediately allow access to all business and other documentation of the insurance undertaking to the special management, and shall draw up a report on the handover of the business.

(2) The members of the management board of an insurance undertaking shall provide the special management or individual special managers with explanations or additional reports on the business of the insurance undertaking at their request.

(3) The special manager shall be entitled to remove a person that interferes with their work and, depending on the circumstances of the case, also have recourse to police assistance.

Article 323
(Reports by special management)

(1) The special management shall prepare and submit a report on the financial status and the business conditions of an insurance undertaking under special management to the Insurance Supervision Agency at least for each quarter following the issuing of the decision on special management.

(2) The special management shall, at the latest three months prior to the end of term of the special management, submit a report on the financial status and business conditions of an insurance undertaking in the duration of special management to the Insurance Supervision Agency, together with an assessment of the economic stability of the insurance undertaking and the possibilities for further business of the undertaking, which shall include:

1. an assessment of the possibility that the insurance undertaking’s shareholders cover the losses, and the consequences thereof on the financial condition of the insurance undertaking;
2. an assessment of the possibility of allocating and dispersing other losses of the insurance undertaking;

3. nepredvidene odhodke, ki lahko vplivajo na obveznosti zavarovalnice;

4. oceno možnih ukrepov za odpravo finančnih težav zavarovalnice, vključno s prenosom zavarovalnih pogodb, z oceno stroškov izvedbe teh ukrepov;

5. oceno pogojev za začetek prisilne likvidacije oziroma stečaja zavarovalnice.

324. člen
(ocena rezultatov izredne uprave)

(1) Agencija za zavarovalni nadzor najmanj enkrat na tri mesece oceni rezultate izredne uprave.

(2) Agencija za zavarovalni nadzor sprejme končno oceno rezultatov izredne uprave najpozneje v treh mesecih po prejemu poročila iz drugega odstavka prejšnjega člena.

(3) Če Agencija za zavarovalni nadzor oceni, da se je v času trajanja izredne uprave izboljšalo finančno stanje zavarovalnice tako, da je zavarovalnica dosegla zahtevani solventnostni kapital in redno izpolnjuje svoje dospele obveznosti, oziroma se je zagotovila varnost zavarovalcev, zavarovancev ali drugih upravičencev, Agencija za zavarovalni nadzor izda odločbo o prenehanju izredne uprave in odpoklicu izrednih upraviteljev.

(4) Če Agencija za zavarovalni nadzor oceni, da se v času trajanja izredne uprave finančno stanje zavarovalnice ni izboljšalo tako, da bi zavarovalnica dosegla zahtevani solventnostni kapital oziroma da bi bila sposobna tekoče izpolnjevati dospele obveznosti, izda odločbo o začetku prisilne likvidacije oziroma o ugotovitvi pogojev za začetek stečaja zavarovalnice.

(5) V primeru iz prejšnjega odstavka lahko Agencija za zavarovalni nadzor izda tudi odločbo o podaljšanju izredne uprave za največ šest mesecev po izteku roka iz 316. člena tega zakona, če ni

3. unforeseen expenditures which may affect the obligations of the insurance undertaking;
4. an assessment of possible measures to eliminate the financial difficulties of the insurance undertaking, including the assignment of insurance contracts, together with an assessment of the costs of implementing these measures;
5. an assessment of the conditions for instituting compulsory liquidation or bankruptcy proceedings of the insurance undertaking.

Article 324
(Evaluation of the results of special management)

(1) The Insurance Supervision Agency shall evaluate the results of the special management at least once every three months.

(2) The Insurance Supervision Agency shall adopt the final evaluation of the special management results within three months of receiving the report referred to in paragraph two of the preceding Article at the latest.

(3) If the Insurance Supervision Agency assesses that, during the period of special management, the financial status of the insurance undertaking has improved in a manner such that the insurance undertaking complies with the solvency capital requirement and regularly fulfils its obligations when due or the security of policyholders, insured persons or other beneficiaries has been ensured, the Insurance Supervision Agency shall issue a decision on the termination of special management and the discharge of special managers.

(4) If the Insurance Supervision Agency assesses that, during the period of special management, the financial status of the insurance undertaking has not improved, i.e. the insurance undertaking fails to comply with the solvency capital requirement or it is not capable of fulfilling its due obligations in a timely manner, it shall issue a decision on the commencement of compulsory liquidation or on establishing the conditions to initiate bankruptcy of the insurance undertaking.

(5) In the case referred to in the preceding paragraph, the Insurance Supervision Agency may also issue a decision extending the special management by not more than six months after the expiry of the

pogojev za začetek stečaja zavarovalnice in če Agencija za zavarovalni nadzor oceni, da bo zavarovalnica v nadaljnjih šestih mesecih lahko dosegla zahtevani solventnostni kapital oziroma da bo zagotovila varnost zavarovalcev, zavarovancev ali drugih upravičencev.

(6) Če Agencija za zavarovalni nadzor oceni, da se je v času trajanja izredne uprave finančno stanje zavarovalnice poslabšalo tako, da ne izpolnjuje pogojev glede zahtevanega minimalnega kapitala in je kratkoročni finančni načrt neustrezen oziroma ga zavarovalnica ne izpolni v treh mesecih od ugotovitve neskladnosti, izda odločbo o začetku prisilne likvidacije oziroma o ugotovitvi pogojev za začetek stečaja zavarovalnice.

7.8. *Povečanje osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice*

325. člen
(povečanje osnovnega kapitala z denarnimi vložki zaradi zagotovitve ekonomske stabilnosti zavarovalnice)

(1) Agencija za zavarovalni nadzor z odločbo o povečanju osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice naloži delničarjem zavarovalnice, da sprejmejo sklep o povečanju osnovnega kapitala zavarovalnice z novimi denarnimi vložki najmanj za znesek, določen v odločbi, s katerim kot zadnji dan roka za vpis in vplačilo novih delnic določijo dan, ki ne sme biti pozneje kot en mesec po dnevu zasedanja skupščine.

(2) Ne glede na najkrajši rok, ki ga za sklic skupščine določa zakon, ki ureja gospodarske družbe, se skupščino, ki bo odločala o povečanju osnovnega kapitala iz prejšnjega odstavka, skliče najmanj osem dni pred zasedanjem skupščine.

(3) Uprava zavarovalnice objavi sklic skupščine, ki bo odločala

deadline referred to in Article 316 of this Act if there are no conditions to initiate the bankruptcy of the insurance undertaking and if the Insurance Supervision Agency assesses that the insurance undertaking could comply with the solvency capital requirement within the next six months or that it will ensure the security of its policyholders, insured persons, or other beneficiaries.

(6) If the Insurance Supervision Agency assesses that, during the period of special management, the financial status of the insurance undertaking deteriorated such that it does not meet the minimum capital requirements and the short-term financial plan is inappropriate or is not fulfilled by the insurance undertaking within three months of the non-compliance being identified, it shall issue a decision to commence compulsory liquidation or to establish the conditions to initiate the bankruptcy of the insurance undertaking.

7.8. *Increase of share capital in order to ensure the economic stability of an insurance undertaking*

Article 325
(Increase of share capital with cash contributions to ensure the economic stability of an insurance undertaking)

(1) By a decision on increasing the share capital to ensure the economic stability of an insurance undertaking, the Insurance Supervision Agency shall impose on the shareholders of the insurance undertaking adoption of a resolution to increase the share capital of the insurance undertaking with new cash contributions in the minimum amount determined in the decision, with the last day of the deadline for subscription and payment of new shares being the day not later than one month after the day of the general meeting.

(2) Notwithstanding the minimum period provided by the Act governing companies for convening the general meeting, the general meeting which is to decide on the increase of share capital pursuant to the preceding paragraph shall be called at least eight days prior to the general meeting.

(3) The management board of the insurance undertaking shall

o povečanju osnovnega kapitala iz prvega odstavka tega člena, v osmih dneh po prejemu odločbe o povečanju osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice za dan, ki ne sme biti pozneje kot en mesec po dnevu prejema odločbe.

(4) Če uprava zavarovalnice v roku iz prejšnjega odstavka ne skliče skupščine, ki bo odločala o povečanju osnovnega kapitala z vsebino iz prvega odstavka tega člena, ali če jo skliče za dan, ki je poznejši od enega meseca po prejemu odločbe o povečanju osnovnega kapitala zaradi zagotovitve ekonomske stabilnosti zavarovalnice, lahko skupščino skliče Agencija za zavarovalni nadzor.

(5) V sklicu skupščine so delničarji opozorjeni na pravne posledice iz 326. in 327. člena tega zakona.

326. člen
(povečanje osnovnega kapitala s stvarnimi vložki, predmet katerih so terjatve upnikov do zavarovalnice)

(1) Agencija za zavarovalni nadzor namesto skupščine delničarjev sprejme sklep o povečanju osnovnega kapitala zavarovalnice s stvarnimi vložki, predmet katerih so terjatve upnikov do zavarovalnice, če:

1. skupščina delničarjev zavrne predlog sklepa iz prvega odstavka prejšnjega člena ali če prva prodaja delnic na podlagi tega sklepa ni uspešna in

2. upnik ali upniki, katerih skupni znesek terjatev do zavarovalnice dosega emisijski znesek novih delnic, ki bi jih bilo treba izdati pri povečanju osnovnega kapitala za znesek iz prvega odstavka prejšnjega člena, izračunan kot knjigovodska vrednost delnic, na katere je razdeljen osnovni kapital zavarovalnice po stanju na zadnji dan koledarskega leta pred izdajo odločbe o povečanju osnovnega kapitala, izrazijo resno namero vpisati in vplačati delnice zavarovalnice na podlagi povečanja osnovnega kapitala s stvarnimi

publish the calling of the general meeting which is to decide on the increase of share capital referred to in paragraph one of this Article within eight days of receiving a decision on the increase of share capital for the purpose of ensuring the economic stability of an insurance undertaking, and the general meeting shall convene no later than one month after receiving such decision.

(4) If the management board of an insurance undertaking does not call the general meeting which is to decide on the increase of share capital according to paragraph one of this Article within the deadline referred to in the preceding paragraph, or if it calls the general meeting for a day later than one month after the receipt of the decision on increasing the share capital to ensure the economic stability of the insurance undertaking, the general meeting may be called by the Insurance Supervision Agency.

(5) In the calling of the general meeting, shareholders shall be cautioned on the legal consequences pursuant to Articles 326 and 327 of this Act.

Article 326
(Increase of share capital with in-kind contributions subject of which are creditors' claims on the insurance undertaking)

(1) The Insurance Supervision Agency shall, instead of the general meeting, adopt a resolution on increasing the share capital of an insurance undertaking with in-kind contributions the subject of which are creditors' claims on the insurance undertaking, if:

1. the general meeting of shareholders rejects the proposal of the resolution referred to in paragraph one of the preceding Article, or if the first sale of shares on the basis of the resolution is not successful, and
2. a creditor or creditors whose total amount of claims on the insurance undertaking amounts to the issue price of new shares which should be issued in the increase of share capital for the amount referred to in paragraph one of the preceding Article, calculated as the book value of the shares into which the share capital of an insurance undertaking is divided according to the balance as at the last day of the calendar year prior to the issuing of the decision on the increase of share capital, express a serious intention to subscribe and purchase shares

vložki, predmet katerih so te terjatve do zavarovalnice.

(2) Agencija za zavarovalni nadzor s sklepom o povečanju osnovnega kapitala iz prejšnjega odstavka določi emisijski znesek novih delnic v višini, ki jo oceni pooblaščeni ocenjevalec vrednosti podjetja.

(3) Agencija za zavarovalni nadzor s sklepom o povečanju osnovnega kapitala iz prvega odstavka tega člena odloči, da se zaradi izvedbe povečanja osnovnega kapitala izdajo nove navadne delnice, ali nove prednostne delnice, ki dajejo njihovim imetnikom naslednje pravice:

1. glasovalno pravico;
2. pravico do dividende za posamezno poslovno leto v znesku:
   - ki je najmanj enak odstotku od emisijskega zneska iz prejšnjega odstavka v višini obrestne mere za dvanajstmesečni EURIBOR po stanju na zadnji dan tega poslovnega leta, povečani za pet odstotnih točk, ali
   - ki je enak znesku dividende za navadne delnice za to poslovno leto, če je znesek dividende za navadne delnice višji od zneska iz prve alineje te točke;
3. v primeru zmanjšanja osnovnega kapitala, ki je namenjeno kritju prenesene izgube ali čiste izgube poslovnega leta, pravico, da se nominalni znesek, za katerega se zmanjša osnovni kapital, najprej pokrije v breme nominalnega oziroma pripadajočega zneska navadnih delnic, in se združitev prednostnih delnic zaradi izvedbe zmanjšanja osnovnega kapitala lahko izvede samo tako:
   - da se v celoti razveljavijo navadne delnice,
   - da se prednostne delnice spremenijo v navadne delnice in se v breme nominalnega oziroma pripadajočega zneska teh delnic pokrije tisti del nominalnega zneska, za katerega se zmanjša osnovni kapital, ki je višji od skupnega nominalnega oziroma pripadajočega zneska navadnih delnic, ki se razveljavijo po prvi alineji te točke;
4. v primeru stečaja ali likvidacije zavarovalnice pravico do deleža v stečajni oziroma likvidacijski masi, ki ostane po plačilu vseh terjatev upnikov zavarovalnice, v znesku:

   - ki je najmanj enak emisijskemu znesku iz prejšnjega odstavka ali

of the insurance undertaking based on the increase in share capital by means of in-kind contributions the subject of which are creditors' claims on the insurance undertaking.

(2) By a resolution to increase the share capital pursuant to the preceding paragraph, the Insurance Supervision Agency shall determine the issue price of new shares in the amount as assessed by a certified company appraiser.

(3) By a resolution to increase the share capital referred to in paragraph one of this Article, the Insurance Supervision Agency shall decide that due to the increase in share capital, new ordinary shares or new preferential shares shall be issued, which give their holders the following rights:

1. a voting right;
2. a right to a dividend for a particular business year in an amount:
   - that is at least equal to the percentage of the issue price pursuant to the preceding paragraph at the interest rate of the twelve-month EURIBOR according to the balance as at the last day of this business year, increased by 5 percentage points, or
   - that equals the dividend amount for ordinary shares for the relevant business year if the dividend amount for ordinary shares is higher than the amount referred to in the first indent of this point;
3. in the event of a decrease in share capital intended to cover loss brought forward or net loss of the business year, the right to first cover the nominal amount by which the share capital is decreased to the burden of the nominal or corresponding amount of ordinary shares, and the merger of the preference shares due to the decrease in share capital may only be carried out in the following manner:
   - by entirely invalidating ordinary shares,
   - by converting preference shares to ordinary shares and, in the burden of the nominal or corresponding amount of these shares, the portion of the nominal amount by which the share capital is reduced, which is higher than the total nominal or corresponding amount of ordinary shares, which are invalidated according to indent one of this point, is covered;
4. in the event of the bankruptcy or liquidation of an insurance undertaking, the right to a portion in the bankruptcy or liquidation estate which remains after all claims of creditors against the insurance undertaking have been paid, in an amount:
   - at least equal to the issue price referred to in the preceding

- ki je enak deležu, ki pripada navadnim delnicam, če je ta višji od zneska iz prve alineje te točke.

(4) Agencija za zavarovalni nadzor je upravičena zaradi izvedbe povečanja osnovnega kapitala iz prvega odstavka tega člena v imenu zavarovalnice:

1. predlagati vpis sklepa o povečanju osnovnega kapitala v sodni register,
2. objaviti poziv upnikom za vpis in vplačilo delnic na podlagi tega sklepa,
3. imenovati revizorja za pregled povečanja osnovnega kapitala s stvarnimi vložki,
4. določiti prečiščeno besedilo statuta zavarovalnice ob upoštevanju povečanja osnovnega kapitala,
5. predlagati vpis povečanja osnovnega kapitala in s tem povezano spremembo statuta zavarovalnice v sodni register,
6. dati nalog centralni klirinškodepotni družbi za izdajo novih delnic zavarovalnice.

327. člen
(pravica prodaje delnic zavarovalnice)

(1) Agencija za zavarovalni nadzor pridobi pravico v svojem imenu in za račun delničarjev prodati delnice zavarovalnice (v nadaljnjem besedilu: pravica prodaje delnic):

1. če skupščina delničarjev zavrne predlog sklepa iz prvega odstavka 325. člena tega zakona ali če prva prodaja delnic na podlagi tega sklepa ni uspešna in
2. če druga oseba izrazi resno namero vložiti sredstva za povečanje osnovnega kapitala zavarovalnice.

(2) Če namerava Agencija za zavarovalni nadzor uresničiti pravico prodaje delnic, v enem mesecu po pridobitvi te pravice objavi javno dražbo za prodajo delnic zavarovalnice.

(3) V objavi javne dražbe določi Agencija za zavarovalni nadzor izhodiščno ceno na podlagi knjigovodske vrednosti delnic, ugotovljene na

paragraph or
- equal to the portion pertaining to ordinary shares, if it is higher than the amount referred to in indent one of this point.

(4) For the purpose of the increase in share capital referred to in paragraph one of this Article the Insurance Supervision Agency shall, on behalf of the insurance undertaking, be entitled to:

1. propose the entry of the resolution on the increase of share capital in the court register,
2. publish a call to creditors to subscribe and purchase shares on the basis of such resolution,
3. appoint an auditor to review the increase in share capital with in-kind contributions,
4. compose the consolidated text of the articles of association of the insurance undertaking, taking into consideration the increase in share capital,
5. propose the entry of the increase of share capital and corresponding change of the articles of association of the insurance undertaking in the court register,
6. submit an order to the central securities clearing corporation for the issue of new shares of the insurance undertaking.

Article 327
(Right to sell shares of an insurance undertaking)

(1) The Insurance Supervision Agency shall acquire the right to sell the shares of an insurance undertaking on its own behalf and for the account of the shareholders (hereinafter: right to sell shares):

1. if the general meeting rejects the proposal of the resolution referred to in paragraph one of Article 325 of this Act or if the first sale of shares based on this resolution is not successful and
2. if another person expresses a serious intention to invest funds for increasing the share capital of an insurance undertaking.

(2) If the Insurance Supervision Agency intends to exercise its right to sell shares, it shall announce a public auction for selling the shares of the insurance undertaking within one month of acquisition of such right.

(3) In the announcement of the public auction, the Insurance Supervision Agency shall determine the opening price on the basis of the

podlagi revidirane bilance stanja zavarovalnice na zadnji dan v mesecu pred pridobitvijo pravice prodaje delnic, izdelane ob predpostavki nedelujoče zavarovalnice.

(4) Na javni dražbi proda Agencija za zavarovalni nadzor delnice tistemu dražitelju, ki ponudi najvišjo ceno nad izhodiščno. Če na javni dražbi nihče ne ponudi najmanj izhodiščne cene, ponudi Agencija za zavarovalni nadzor prodajo po ceni, ki je za 5% nižja od izhodiščne, in nadaljuje z zniževanjem ponudbene cene za enak znesek, dokler posamezni dražitelj ne izjavi, da sprejema ceno, izklicano v zadnjem koraku dražbe.

(5) Hkrati z objavo dražbe izda Agencija za zavarovalni nadzor klirinškodepotni družbi nalog, da v centralnem registru pri vseh delnicah zavarovalnice vpiše prepoved razpolaganja v korist Agencije za zavarovalni nadzor.

(6) Centralna depotna družba prenese delnice zavarovalnice na račun investitorja, ki je bil uspešen na javni dražbi iz četrtega odstavka tega člena na podlagi naloga Agencije za zavarovalni nadzor. Agencija za zavarovalni nadzor izda nalog iz prvega stavka tega odstavka v osmih dneh po dnevu, ko kupec opravi ustrezen postopek povečanja osnovnega kapitala zavarovalnice.

7.9. *Prisilna likvidacija*

7.9.1. Splošne določbe

328. člen
(razlogi za začetek prisilne likvidacije)

(1) Agencija za zavarovalni nadzor izda odločbo o začetku prisilne likvidacije v naslednjih primerih:
1. če zavarovalnica ne izpolnjuje pogojev glede zahtevanega

book value of the shares, determined on the basis of the audited balance sheet of the insurance undertaking as of the last day of the month preceding the acquisition of the right to sell shares, and published under the assumption that the insurance undertaking is a non-going concern.

(4) The Insurance Supervision Agency shall sell shares at the public auction to the bidder that offers the highest bid above the opening price. If there are no offers for at least the opening price at the public auction, the Insurance Supervision Agency shall offer the sale at a price which is 5% lower than the opening price and it shall continue to lower the offered price by the same amount until an individual bidder declares that they accept the price offered in the last leg of the auction.

(5) Simultaneously with announcing the auction, the Insurance Supervision Agency shall provide an order to a central securities clearing corporation to enter a prohibition on the free disposal of all shares of the insurance undertaking in the central register to the benefit of the Insurance Supervision Agency.

(6) The central securities clearing corporation shall transfer the shares of the insurance undertaking to the account of the highest bidder at the public auction referred to in paragraph four of this Article on the basis of an order provided by the Insurance Supervision Agency. The Insurance Supervision Agency shall give an order from the first sentence of this paragraph within eight days of the date when the buyer has carried out an appropriate procedure of increasing the share capital of the insurance undertaking.

7.9. *Compulsory liquidation*

7.9.1. General Provisions

Article 328
(Grounds for initiating compulsory liquidation)

(1) The Insurance Supervision Agency shall issue a decision to initiate compulsory liquidation in the following cases:
1. if the insurance undertaking fails to comply with the conditions

minimalnega kapitala in je kratkoročni finančni načrt neustrezen oziroma ga zavarovalnica ne izpolni v treh mesecih od ugotovitve neskladnosti ter ni pogojev za začetek stečajnega postopka;

2. če na podlagi poročil iz 323. člena tega zakona oceni, da se je v času trajanja izredne uprave finančno stanje zavarovalnice poslabšalo tako, da ne izpolnjuje pogojev glede zahtevanega minimalnega kapitala in je kratkoročni finančni načrt neustrezen oziroma ga zavarovalnica ne izpolni v treh mesecih od ugotovitve neskladnosti, in ni pogojev za začetek stečajnega postopka;

3. če na podlagi poročila iz drugega odstavka 323. člena tega zakona oceni, da se v času trajanja izredne uprave finančno stanje zavarovalnice ni izboljšalo tako, da bi zavarovalnica dosegla zahtevani solventnostni kapital, in ni pogojev za začetek stečajnega postopka;

4. če skupščina delničarjev zavrne predlog sklepa iz prvega odstavka 325. člena tega zakona ali če prva prodaja delnic na podlagi tega sklepa ni uspešna in ni pogojev za izvedbo povečanja osnovnega kapitala iz 326. člena tega zakona, za uresničitev pravice prodaje delnic iz prejšnjega člena, ali za začetek stečajnega postopka;

5. če je zavarovalnici odvzeto dovoljenje za opravljanje zavarovalnih poslov;
6. če je članu uprave zavarovalnice pravnomočno odvzeto dovoljenje za opravljanje funkcije člana uprave oziroma če je član uprave zavarovalnice razrešen ali odpoklican oziroma če član uprave zavarovalnice ne opravlja funkcije člana uprave več kot šest mesecev in nastane eden od naslednjih položajev, zaradi katerega zavarovalnica nima najmanj dveh članov uprave:

   - nadzorni svet v roku treh mesecev ne imenuje novega člana uprave zavarovalnice v skladu s tem zakonom,

   - imenovani novi član v roku iz prve alineje 2. točke drugega odstavka 58. člena tega zakona ne vloži zahteve za izdajo dovoljenja za

regarding the required minimum capital and if the short-term financial plan is inadequate or the insurance undertaking fails to fulfil it within three months of when non-compliance is discovered and there exist no conditions for the initiation of bankruptcy proceedings;

2. if on the basis of the reports pursuant to Article 323 of this Act it assesses that, during the period of special management, the financial status of the insurance undertaking deteriorated to the extent that it does not meet the minimum capital requirements, and the short-term financial plan is inadequate or has not been implemented by the insurance undertaking within three months of when the non-compliance was identified and there exist no conditions for the initiation of bankruptcy proceedings;
3. if, on the basis of the report referred to in paragraph two of Article 323 of this Act, it assesses that, during the period of special management, the financial status of the insurance undertaking did not improve to the extent that would allow the insurance undertaking to comply with the solvency capital requirement, and there exist no conditions for the initiation of bankruptcy proceedings;
4. if the general meeting of shareholders rejects the proposal of the resolution referred to in paragraph one of Article 325 of this Act, or if the first sale of shares on the basis of the resolution is not successful and the conditions for increasing share capital pursuant to Article 326 of this Act for exercising the right to sell the shares pursuant to the preceding Article or for the initiation of bankruptcy proceedings have not been met;
5. if an authorisation to conduct insurance business is withdrawn from the insurance undertaking;
6. if the authorisation to perform the function of a member of the management board has been finally withdrawn from a member of the management board of the insurance undertaking or if a member of the management board of the insurance undertaking is dismissed or removed or if a member of the management board of the insurance undertaking has not been performing the function of a member of the management board for over six months and one of the following situations, due to which the insurance undertaking lacks at least two management board members arises:
   - the supervisory board does not appoint a new member of the management board of the insurance undertaking pursuant to this Act within three months,
   - the newly appointed member fails to submit an application for authorisation to perform this function within the deadline referred to

opravljanje te funkcije,
- imenovani novi član umakne zahtevo za izdajo dovoljenja za opravljanje te funkcije ali
- Agencija za zavarovalni nadzor zavrne ali zavrže zahtevo imenovanega novega člana za izdajo dovoljenja za opravljanje te funkcije; ali

7. če je dovoljenje za opravljanje zavarovalnih poslov prenehalo zaradi razlogov iz 1. oziroma 2. točke prvega odstavka 122. člena tega zakona in skupščina zavarovalnice v dveh mesecih od izdaje odločbe iz tretjega odstavka 122. člena tega zakona ni sprejela sklepa o likvidaciji zavarovalnice iz 71. člena ali sklepa o spremembi dejavnosti zavarovalnice iz 75. člena tega zakona.

(2) Agencija za zavarovalni nadzor izda odločbo o začetku prisilne likvidacije v osmih dneh.

(3) Rok iz prejšnjega odstavka teče:

1. v primeru iz 1. in 2. točke prvega odstavka tega člena: od dneva odločitve Agencije za zavarovalni nadzor, da je kratkoročni finančni načrt iz tretjega odstavka 250. člena tega zakona neustrezen, oziroma po preteku treh mesecev od ugotovitve neskladja z zahtevanim minimalnim kapitalom, če zavarovalnica v tem času finančnega načrta ne izpolni;

2. v primeru iz 3. točke prvega odstavka tega člena: od izteka roka za sprejem končne ocene rezultatov izredne uprave iz drugega odstavka 324. člena tega zakona oziroma od dneva odločitve Agencije za zavarovalni nadzor, da se v času trajanja izredne uprave finančno stanje zavarovalnice ne bo izboljšalo tako, da bi zavarovalnica dosegla zahtevani solventnostni kapital;

3. v primeru iz 4. točke prvega odstavka tega člena: od dneva, ko je skupščina zavrnila predlog sklepa iz prvega odstavka 325. člena tega zakona, oziroma od dneva, ko je iztekel rok za vpis in vplačilo delnic na podlagi neuspešne prve prodaje delnic;

4. v primeru iz 5. točke prvega odstavka tega člena: od dneva izdaje

in indent one of point 2 of paragraph two of Article 58,
- the newly appointed member withdraws the application for authorisation to perform this function or
- the Insurance Supervision Agency dismisses or rejects the application of the appointed new member to issue authorisation to perform this function; or

7. if authorisation to conduct insurance business was terminated due to the reasons referred to in point 1 or 2 of paragraph one of Article 122 of this Act and the general meeting of the insurance undertaking has not adopted a resolution on the liquidation of the insurance undertaking pursuant to Article 71 or a resolution on the modification of the insurance undertaking's activity referred to in Article 75 of this Act within two months of the issue of the decision referred to in paragraph three of Article 122 of this Act.

(2) The Insurance Supervision Agency shall issue a decision on the initiation of compulsory liquidation within eight days.

(3) The deadline referred to in the preceding paragraph shall commence:

1. in the case referred to in points 1 and 2 of paragraph one of this Article: as of the date of issue of the decision adopted by the Insurance Supervision Agency on the unsuitability of the short-term financial plan referred to in paragraph three of Article 250 of this Article, or after the expiry of a three-month period following the identification of the non-compliance with the minimum capital requirement if the insurance undertaking fails to implement the financial plan within this time;
2. in the case referred to in point 3 of paragraph one of this Article: from the expiry of the deadline for adopting a final assessment of the results of special management referred to in paragraph two of Article 324 of this Act or as of the date of a decision by the Insurance Supervision Agency that, during the period of special management, the financial status of the insurance undertaking failed to improve sufficiently to meet the solvency capital requirement;
3. in the case referred to in point 4 of paragraph one of this Article: from the date when the general meeting rejected the proposed resolution referred to in paragraph one of Article 325 of this Act, or from the date of expiry of the deadline for the subscription and purchase of shares based on the unsuccessful first sale of shares;
4. in the case referred to in point 5 of paragraph one of this Article: from

odločbe o odvzemu dovoljenja;

5. v primeru iz prve alineje 6. točke prvega odstavka tega člena: od izteka trimesečnega roka za imenovanje novega člana uprave zavarovalnice;
6. v primeru iz druge alineje 6. točke prvega odstavka tega člena: od izteka roka za vložitev zahteve za izdajo dovoljenja za opravljanje funkcije člana uprave zavarovalnice;
7. v primeru iz tretje alineje 6. točke prvega odstavka tega člena: od dneva, ko Agencija za zavarovalni nadzor prejme umik zahteve za izdajo dovoljenja za opravljanje funkcije člana uprave zavarovalnice;
8. v primeru iz četrte alineje 6. točke prvega odstavka tega člena: od izdaje odločbe o zavrženju ali zavrnitvi zahteve za izdajo dovoljenja za opravljanje funkcije člana uprave zavarovalnice;
9. v primeru iz 7. točke prvega odstavka tega člena: od izteka dvomesečnega roka za sprejem sklepa o likvidaciji ali o spremembi dejavnosti zavarovalnice.

329. člen
(likvidacijski upravitelj)

(1) Z odločbo o začetku prisilne likvidacije Agencija za zavarovalni nadzor imenuje enega ali več likvidacijskih upraviteljev ter določi vrsto in obseg poslov, ki jih opravlja posamezni likvidacijski upravitelj.

(2) Likvidacijski upravitelj redno in na primeren način obvešča vse upnike o poteku postopka likvidacije.

(3) Agencija za zavarovalni nadzor z odločbo iz prvega odstavka tega člena določi vsebino obvestil in roke iz prejšnjega odstavka.

(4) Likvidacijski upravitelj, ki je imenovan z odločbo Agencije za zavarovalni nadzor na podlagi tega zakona, lahko izvršuje svoje pristojnosti neposredno tudi na območju države članice, kjer ima

the date of the issue of the decision on withdrawal of authorisation;

5. in the case referred to in indent one of point 6 of paragraph one of this Article: from the expiry of a three months' deadline for appointing a new member of the management board of an insurance undertaking;
6. in the case referred to in indent two of point 6 of paragraph one of this Article: as of the expiry of the deadline for submitting an application for authorisation to perform the function of a member of the management board of the insurance undertaking;
7. in the case referred to in indent three of point 6 of paragraph one of this Article: from the date when the Insurance Supervision Agency receives a withdrawal of the application for authorisation to perform the function of a member of the management board of the insurance undertaking;
8. in the case referred to in indent four of point 6 of paragraph one of this Article: from the date of issue of a decision refusing or dismissing an application for authorisation to perform the function of a member of the management board of the insurance undertaking;
9. in the case referred to in point 7 of paragraph one of this Article: from the expiry of a two-month deadline for adopting a resolution to liquidate or to modify the activity of the insurance undertaking.

Article 329
(Liquidator)

(1) The Insurance Supervision Agency shall, by way of a decision on the initiation of compulsory liquidation, appoint one or more liquidators and determine the type and scope of the business to be conducted by individual liquidators.

(2) The liquidator must notify all creditors in a regular and appropriate manner of the course of compulsory liquidation proceedings.

(3) The Insurance Supervision Agency shall determine the content of the notifications and the deadlines referred to in the preceding paragraph by way of the decision referred to in paragraph one of this Article.

(4) The liquidator appointed by the decision of the Insurance Supervision Agency on the basis of this Act, may also execute their competences directly in the territory of a Member State where the

zavarovalnica podružnico, in ima pri tem enake pristojnosti, kot jih ima na območju Republike Slovenije. Pri tem spoštuje zakonodajo države članice, na območju katere izvršuje svoje pristojnosti. Likvidacijski upravitelj, ki ga imenuje Agencija za zavarovalni nadzor, redno in na primeren način obvešča vse upnike o poteku postopka.

(5) Likvidacijski upravitelj lahko imenuje tudi osebe za pomoč in, če je to primerno, za zastopanje v državi članici, kjer ima zavarovalnica podružnico.

(6) Likvidacijski upravitelj, imenovan z odločbo pristojnega nadzornega organa države članice, lahko opravlja dejanja v postopku prisilne likvidacije v Republiki Sloveniji s pristojnostmi, ki jih ima v državi članici, razen tistih, ki pomenijo uporabo prisilnih ukrepov. Pri tem spoštuje zakonodajo Republike Slovenije.

(7) Imenovanje za likvidacijskega upravitelja se v državi članici dokazuje z overjenim izvodom originalne odločbe, s katero je imenovan. Od likvidacijskega upravitelja iz države članice, ki opravlja dejanja v postopku prisilne likvidacije v Republiki Sloveniji, lahko Agencija za zavarovalni nadzor zahteva prevod odločbe v slovenski jezik.

330. člen
(pravne posledice prisilne likvidacije)

(1) Z dnem izdaje odločbe o prisilni likvidaciji prenehajo vse pristojnosti in pooblastila članom uprave in članom nadzornega sveta zavarovalnice ter pooblastila skupščine, razen pristojnosti za sprejem predloga likvidacijskega upravitelja za razdelitev premoženja delničarjem.

(2) V postopku prisilne likvidacije izvršuje pristojnosti nadzornega sveta zavarovalnice in pristojnosti skupščine Agencija za zavarovalni nadzor, razen pristojnosti skupščine za sprejem predloga likvidacijskega upravitelja za razdelitev premoženja delničarjem.

insurance undertaking has a branch, and the liquidator shall have the same competences as they hold in the territory of the Republic of Slovenia. The liquidator shall act in compliance with the legislation of the Member State in the territory of which they exercise competences. The liquidator appointed by the Insurance Supervision Agency, shall in a regular and appropriate manner notify all creditors of the course of the proceedings.

(5) The liquidator may also appoint persons to assist and, if appropriate, to represent them in the Member State in which the insurance undertaking has a branch.

(6) The liquidator appointed by the decision of the competent supervisory authority of a Member State may conduct activities in compulsory liquidation proceedings in the Republic of Slovenia with the competences that it holds in the Member State, except those involving the use of coercive measures. In doing so, the liquidator shall comply with the legislation of the Republic of Slovenia.

(7) The appointment of a liquidator in a Member State shall be proved by a certified copy of the original decision on their appointment. The Insurance Supervision Agency may require a liquidator that performs actions in compulsory liquidation proceedings in the Republic of Slovenia, to submit the Slovenian translation of the decision on their appointment.

Article 330
(Legal consequences of compulsory liquidation)

(1) As of the date of issue of the decision on compulsory liquidation, all competences and authorisations of the members of the management board and the supervisory board of an insurance undertaking and competences of the general meeting shall cease, with the exception of the competences for adopting the proposal of the liquidator for distribution of assets among the shareholders.

(2) Competences of the supervisory board of the insurance undertaking and of the general meeting of the insurance undertaking, except competences of the general meeting for the acceptance of the liquidator's proposal for distribution of assets among the shareholders, shall be exercised by the Insurance Supervision Agency.

331. člen
(uporaba določb za prisilno likvidacijo)

Če v 7.9.1. pododdelku tega zakona ni drugače določeno, se za prisilno likvidacijo zavarovalnice smiselno uporabljajo:

1. določbe zakona, ki ureja gospodarske družbe, ki urejajo vsebino sklepa o likvidaciji delniške družbe, oznako v firmi po pričetku likvidacije, razrešitev likvidacijskega upravitelja, pooblastila likvidacijskega upravitelja, vsebino in sprejem poročila o poteku postopka in predloga za razdelitev premoženja, rok za razdelitev premoženja, razdelitev premoženja, odškodninsko odgovornost, terjatve delničarjev, varstvo upnikov, nagrado likvidacijskemu upravitelju ter shranjevanje poslovnih knjig; in

2. 320. člen, tretji odstavek 321. člena in 322. člen tega zakona.

332. člen
(prepoved sklepanja novih poslov)

V postopku prisilne likvidacije zavarovalnica ne sme sklepati nobenih novih poslov, razen tistih, ki so potrebni za unovčenje likvidacijske mase, in tistih, ki so potrebni za prenos zavarovalnih pogodb na drugo zavarovalnico.

333. člen
(nastop stečajnega razloga)

Če likvidacijski upravitelj ugotovi, da premoženje zavarovalnice ne zadošča za poplačilo vseh terjatev upnikov zavarovalnice ali da zavarovalnica nima zadosti likvidnih sredstev, da bi lahko ob dospelosti izplačala vse terjatve upnikov, o tem nemudoma obvesti Agencijo za zavarovalni nadzor.

7.9.2. Posebne določbe za prisilno likvidacijo zavarovalnice, ki ima podružnico v drugi državi članici, in za zavarovalnico države članice, ki

Article 331
(Application of provisions regarding compulsory liquidation)

Unless otherwise provided in Subsection 7.9.1 of this Act, compulsory liquidation of an insurance undertaking shall be subject to the application *mutatis mutandis* of the following:

1. provisions of the Act governing companies which regulate the content of the resolution on liquidation of a public limited company, designation in the corporate name after the initiation of liquidation, dismissal of the liquidator, authorisations of the liquidator, the content and adoption of a report on the progress of proceedings and the proposal for distribution of assets, the deadline for the division of assets, division of assets, liability for damages, claims from shareholders, protection of creditors, remuneration of the liquidator, and storage of books of account; and
2. Article 320, paragraph three of Article 321 and Article 322 of this Act.

Article 332
(Prohibition to conduct new transactions)

During the compulsory liquidation procedure, the insurance undertaking may not conclude any new transactions, except those necessary for the sale of the estate in liquidation and those required to transfer insurance contracts to another insurance undertaking.

Article 333
(Occurrence of grounds for bankruptcy)

If the liquidator ascertains that the assets of the insurance undertaking do not suffice for the settlement of all creditors' claims of the insurance undertaking or that the insurance undertaking lacks sufficient liquid assets for the settlement of creditors' claims when due, it shall immediately notify the Insurance Supervision Agency of this.

7.9.2. Special provisions on compulsory liquidation of an insurance undertaking with a branch in another Member State and of an insurance

ima podružnico v Republiki Sloveniji

undertaking from a Member State with a branch in the Republic of Slovenia.

334. člen
(neposredni učinek odločb organov držav članic)

Odločba o začetku postopka prisilne likvidacije, ki ima enak učinek kot odločba o prenehanju zavarovalnice po tem zakonu, nad zavarovalnico države članice, ki ima podružnico v Republiki Sloveniji in ki jo izda organ države članice sedeža te zavarovalnice, ima brez posebnega postopka priznanja in izvršitve neposredni učinek na območju Republike Slovenije, in sicer takoj, ko postane izvršljiva v državi članici.

Article 334
(Direct effect of decisions adopted by authorities of Member States)

A decision on the initiation of compulsory liquidation proceedings having the same effect as a decision on the termination of an insurance undertaking pursuant to this Act concerning an insurance undertaking from a Member State which has a branch in the Republic of Slovenia and which is issued by the authority of the Member State where the insurance undertaking has its head office, shall have direct effect in the territory of the Republic of Slovenia, with no special procedure of recognition and execution being required, immediately after it becomes enforceable in the Member State.

335. člen
(obveščanje nadzornih organov druge države članice o začetku postopka prisilne likvidacije)

(1) Če ima zavarovalnica podružnico v drugi državi članici, Agencija za zavarovalni nadzor o tem, da bo izdala odločbo o začetku postopka prisilne likvidacije, nemudoma obvesti nadzorni organ države članice, v kateri ima zavarovalnica podružnico. V obvestilu navede tudi pravne posledice in dejanske učinke izdane odločbe.

Article 335
(Notifying supervisory authorities of another Member States of the initiation of compulsory liquidation proceedings)

(1) If an insurance undertaking has a branch in another Member State, the Insurance Supervision Agency shall immediately notify the supervisory authority of the Member State in which the insurance undertaking has a branch that it will issue a decision on the initiation of the compulsory liquidation procedure. The notification shall also contain the legal consequences and actual effects of the issued decision.

(2) Če zaradi zaščite interesov strank zavarovalnice oziroma zaradi drugih javnih koristi z izdajo odločbe iz prejšnjega odstavka ni mogoče odlašati, Agencija za zavarovalni nadzor obvesti nadzorni organ države članice takoj po izdaji odločbe.

(2) If the issue of the decision referred to in the preceding paragraph cannot be delayed due to the protection of interests of the insurance undertaking's clients or other public interests, the Insurance Supervision Agency shall notify the competent supervisory authority of the Member State immediately after the decision has been issued.

(3) Agencija za zavarovalni nadzor obvesti o izdaji odločbe o začetku postopka prisilne likvidacije nadzorne organe vseh držav članic.

(3) The Insurance Supervision Agency shall notify the supervisory authorities of all Member States of the issuance of a decision on the initiation of compulsory liquidation proceedings.

(4) Za vodenje postopka prisilne likvidacije nad zavarovalnico, ki ima podružnico v drugi državi članici, se uporablja pravo Republike

(4) For conducting the compulsory liquidation proceeding of an insurance undertaking with a branch in another Member State, the law of

Slovenije.

336. člen
(objava povzetka odločbe o začetku postopka prisilne likvidacije v Uradnem listu EU)

(1) Agencija za zavarovalni nadzor odločbo o začetku postopka prisilne likvidacije v obliki povzetka v slovenskem jeziku objavi v Uradnem listu EU. Povzetek odločbe objavi tudi v dveh dnevnih časopisih, ki izhajata na celotnem območju države članice, v kateri ima zavarovalnica podružnico.

(2) Objava povzetka obsega:
1. ime in naslov organa, ki vodi postopek prisilne likvidacije,
2. pravo, ki se uporablja za postopek prisilne likvidacije,
3. imena likvidacijskih upraviteljev,
4. rok za prijavo terjatev in pravne posledice, če upnik terjatve ne prijavi.

337. člen
(obveščanje upnikov o postopku prisilne likvidacije)

(1) O izdaji odločbe o začetku postopka prisilne likvidacije nad zavarovalnico, ki ima podružnico v državi članici, likvidacijski upravitelj posamično, v slovenskem jeziku, takoj obvesti vse znane upnike zavarovalnice, ki imajo prebivališče oziroma sedež na območju držav članic, in sicer na posebnem obrazcu, na katerem je v vseh uradnih jezikih Evropske unije naslov: »Vabilo za prijavo terjatev in roki, ki jih je treba spoštovati«.

(2) Obvestilo iz prejšnjega odstavka vsebuje zlasti naslednje informacije:
- ime in naslov organa, ki bo vodil postopek prisilne likvidacije, in organa, ki mu je treba poslati prijavo terjatev;
- rok, v katerem upniki prijavijo svoje terjatve, in posledice zamude roka;

the Republic of Slovenia shall apply.

Article 336
(Publication of summary of the decision on initiation of compulsory liquidation proceedings in the Official Journal of the EU)

(1) The Insurance Supervision Agency shall publish the decision on the initiation of compulsory liquidation proceedings in the form of a summary in Slovenian in the Official Journal of the EU. The summary of the decision shall also be published in two daily newspapers circulated in the entire territory of the Member State in which the insurance undertaking has a branch.

(2) The published summary includes:
1. the name and address of the authority conducting the compulsory liquidation proceedings,
2. the law applicable to compulsory liquidation proceedings,
3. the names of liquidators,
4. the deadline for lodging claims and legal consequences if a creditor fails to lodge a claim.

Article 337
(Notifying creditors on the compulsory liquidation proceedings)

(1) When the decision to initiate compulsory liquidation proceedings for an insurance undertaking with a branch in a Member State is issued, the liquidator shall immediately notify, in Slovenian, each known creditor of the insurance undertaking whose residence or head office is in the territory of Member States on a special form which includes the following title in all the official languages of the European Union: "Invitation to lodge claims and deadlines to be observed".

(2) The notification referred to in the preceding paragraph shall in particular include the following information:
- on the name and address of the authority that conducts the compulsory liquidation proceeding, and of the authority to which the claims should be lodged;
- deadline for the lodging of creditors’ claims and the consequences of missing the deadline;

- o pravicah in dolžnostih upnikov v postopku prisilne likvidacije, predvsem ali upniki, ki imajo privilegirane terjatve, in upniki, ki imajo terjatve zavarovane s stvarnimi pravicami, prav tako vložijo prijavo;

- o vplivu začetka postopka prisilne likvidacije na zavarovalne pogodbe, še posebno o datumu prenehanja njihove veljavnosti in posledicah na pravice ter dolžnosti zavarovalcev, zavarovancev ali drugih upravičencev.

(3) Za obveščanje upnikov iz prvega odstavka tega člena se smiselno uporabljajo določbe zakona, ki ureja pravdni postopek, v delu, kjer je urejena osebna vročitev.

(4) Likvidacijski upravitelji upnike redno obveščajo glede napredovanja postopka prisilne likvidacije.

338. člen
(prijava terjatev upnikov iz države članice)

(1) Upnik prijavi terjatev v likvidacijsko maso v slovenskem jeziku ali uradnem jeziku države članice, kjer ima prebivališče oziroma sedež, in sicer na posebnem obrazcu. Naslov obrazca »Prijava terjatve« je naveden v slovenskem jeziku.

(2) Upnik priloži k prijavi terjatve iz prejšnjega odstavka kopije morebitnih dokaznih listin, v katerih označi:

- naravo in znesek zahtevka,
- dan, ko je do zahtevka prišlo,
- stvarno poroštvo ali pridržke pravic glede zahtevka v primeru, ko domneva prednost, in
- sredstva, ki jih njegovo poroštvo zajema.

(3) Agencija za zavarovalni nadzor predpiše podrobnejšo vsebino obrazca za prijavo terjatev upnikov iz tega člena.

339. člen

- on the rights and duties of creditors in the compulsory liquidation proceedings, principally whether creditors with privileged claims and creditors with secured claims by means of rights in rem claims should also lodge their claim;
- on the effect of the initiation of the compulsory liquidation proceedings on insurance contracts, particularly regarding the date of termination of their validity and the consequences for the rights and duties of policyholders, insured persons or other beneficiaries.

(3) For the notification of creditors referred to in paragraph one of this Article, the provisions of the Act governing civil procedure, in particular the provisions governing personal service shall apply *mutatis mutandis*.

(4) Liquidators shall regularly notify creditors concerning the progress of the compulsory liquidation proceedings.

Article 338
(Lodging of claims by creditors from Member States)

(1) A creditor shall lodge a claim against the liquidation estate in Slovenian or in an official language of the Member State of their residence or head office, on a special form. The title of the form "Prijava terjatev" shall be in Slovenian.

(2) A creditor shall attach to the lodgement of a claim referred to in the preceding paragraph copies of, if any, documentary evidence marking the following:
- the nature and amount of the claim,
- the date on which the claim arose,
- security in rem or reservation of rights in respect of the claim where they allege preference, and
- assets that are covered by their security.

(3) The Insurance Supervision Agency shall prescribe the detailed content of the form for lodging claims of creditors referred to in this Article.

Article 339

(pristojnosti likvidacijskega upravitelja)

(1) Agencija za zavarovalni nadzor pooblasti likvidacijskega upravitelja z odločbo o začetku prisilne likvidacije nad zavarovalnico za izvrševanje njegovih pristojnosti tudi na območju države članice, v kateri ima ta zavarovalnica podružnico, če bo tako dosežena učinkovitejša izvedba likvidacijskega postopka.

(2) Likvidacijski upravitelj lahko imenuje tudi osebe za pomoč in, če je to primerno, za zastopanje v državi članici, v kateri ima zavarovalnica podružnico.

(3) Likvidacijski upravitelj, imenovan z odločbo nadzornega organa države članice sedeža zavarovalnice, ki ima podružnico v Republiki Sloveniji, lahko opravlja dejanja v postopku prisilne likvidacije v Republiki Sloveniji s pristojnostmi, ki jih ima v državi članici, razen tistih, ki pomenijo uporabo prisilnih ukrepov. Pri tem spoštuje predpise Republike Slovenije.

(4) Likvidacijski upravitelj se pri izvrševanju pristojnosti po prvem oziroma prejšnjem odstavku izkaže z overjenim izvodom izvirnika odločbe o imenovanju.

(5) Agencija za zavarovalni nadzor lahko od likvidacijskega upravitelja iz tretjega odstavka tega člena, ki opravlja dejanja v postopku prisilne likvidacije v Republiki Sloveniji, zahteva, da ji predloži prevod odločbe o imenovanju v slovenski jezik.

7.9.2. Posebna določba za prisilno likvidacijo podružnice zavarovalnice tretje države

340. člen
(prisilna likvidacija podružnice zavarovalnice tretje države)

(1) Če Agencija za zavarovalni nadzor začne postopek prisilne

(Competences of the liquidator)

(1) The Insurance Supervision Agency shall authorise a liquidator by a decision to initiate the compulsory liquidation of an insurance undertaking also to exercise its competences in the territory of a Member State in which this insurance undertaking has a branch should this lead to a more effective conclusion of the liquidation procedure.

(2) A liquidator may also appoint persons to assist and, where appropriate, to represent them in a Member State where the insurance undertaking has a branch.

(3) A liquidator appointed by the decision of the competent supervisory authority of a Member State in which the insurance undertaking with a branch in the Republic of Slovenia has its head office, may conduct activities in compulsory liquidation proceedings in the Republic of Slovenia with the competences it holds in the Member State, except those which require the use of coercive measures. In doing so, the liquidator shall comply with the regulations of the Republic of Slovenia in the exercise of their duties.

(4) In the exercise of their competences pursuant to paragraph one or the preceding paragraph, a liquidator shall prove their identity by means of a certified copy of the original decision on appointment.

(5) The Insurance Supervision Agency may require the liquidator referred to in paragraph three of this Article that conducts activities in compulsory liquidation proceedings in the Republic of Slovenia, to submit a Slovenian translation of the decision on their appointment.

7.9.2. Special provision on compulsory liquidation of a branch of an insurance undertaking from a third country

Article 340
(Compulsory liquidation of a branch of an insurance undertaking from a third country)

(1) If the Insurance Supervision Agency initiates compulsory

likvidacije nad podružnico zavarovalnice tretje države, še pred izdajo odločbe nemudoma obvesti vse nadzorne organe držav članic, v katerih ima ta zavarovalnica podružnico. V obvestilu navede pravne posledice in dejanske učinke takega postopka.

(2) Če zaradi zaščite interesov strank zavarovalnice oziroma zaradi drugih javnih koristi s sprejemom odločbe iz prejšnjega odstavka ni mogoče odlašati, Agencija za zavarovalni nadzor obvesti nadzorne organe takoj po izdaji odločbe.

(3) Agencija za zavarovalni nadzor v postopku prisilne likvidacije iz prvega odstavka tega člena uskladi svoja dejanja z dejanji nadzornih organov drugih držav članic. Ta obveznost velja tudi za likvidacijskega upravitelja.

7.10. *Posebne določbe za posamezne vrste nadzorov*

7.10.1. Nadzor nad poslovanjem zavarovalnice v državi članici

341. člen
(sodelovanje z nadzornim organom države članice, v kateri zavarovalnica opravlja storitve)

(1) Agencija za zavarovalni nadzor sodeluje z nadzornim organom države članice, v kateri zavarovalnica neposredno ali prek podružnice opravlja zavarovalne posle, in mu zagotovi vse informacije, s katerimi razpolaga in ki so potrebne za spremljanje poslovanja take zavarovalnice, zlasti glede kapitalske ustreznosti, zavarovalno-tehničnih rezervacij, likvidnosti, administrativnih in računovodskih postopkov in sistema notranjih kontrol.

(2) Nadzorni organ države članice, v kateri zavarovalnica prek podružnice opravlja zavarovalne posle, lahko vloži pri Agenciji za zavarovalni nadzor zahtevo za opredelitev te podružnice kot pomembne. Agencija za zavarovalni nadzor si z nadzornim organom, ki je vložil

liquidation proceedings against a branch of an insurance undertaking from a third country, it shall immediately notify all the supervisory authorities of the Member States in which this insurance undertaking has a branch prior to issuing a decision. The notification shall indicate the legal consequences and actual effects of such proceedings.

(2) If the issue of the decision referred to in the preceding paragraph of this Article cannot be delayed due to the protection of interests of the insurance undertaking's clients or other public interests, the Insurance Supervision Agency shall notify the supervisory authorities immediately after the decision has been issued.

(3) The Insurance Supervision Agency shall coordinate its actions in the compulsory liquidation proceedings referred to in paragraph one of this Article with the actions of supervisory authorities of other Member States. This obligation shall also apply to the liquidator.

7.10. *Specific provisions on individual types of supervision*

7.10.1. Supervision of the business of an insurance undertaking in a Member State

Article 341
(Cooperation with a supervisory authority of a Member State in which an insurance undertaking conducts its services)

(1) The Insurance Supervision Agency shall cooperate with the supervisory authority of a Member State in which an insurance undertaking directly or through its branch conducts insurance business, and shall provide the authority with all available and needed information to monitor the business of such insurance undertaking, in particular regarding capital adequacy, technical provisions, liquidity, administrative and accounting procedures, and the internal control system.

(2) A supervisory authority of a Member State in which an insurance undertaking conducts insurance business through its branch may file a request with the Insurance Supervision Agency for the designation of this branch as significant. The Insurance Supervision

zahtevo, prizadeva za sprejem skupne odločitve o opredelitvi podružnice kot pomembne.

(3) Agencija za zavarovalni nadzor nadzornemu organu države članice, v kateri je podružnica zavarovalnice, ki je po prejšnjem odstavku opredeljena kot pomembna, zagotovi vse informacije iz 3. in 4. točke drugega odstavka 368. člena tega zakona.

342. člen
(pregled poslovanja podružnice zavarovalnice v državi članici)

(1) Nadzor nad podružnico zavarovalnice v državi članici opravlja Agencija za zavarovalni nadzor.

(2) Agencija za zavarovalni nadzor o nameravanem pregledu poslovanja podružnice zavarovalnice v državi članici obvesti nadzorni organ te države članice.

(3) Agencija za zavarovalni nadzor lahko zaprosi nadzorni organ države članice, v kateri zavarovalnica opravlja zavarovalne posle, da opravi pregled poslovanja podružnice zavarovalnice v tej državi članici, če se s tem postopek nadzora pospeši oziroma poenostavi oziroma če je to v skladu z interesi učinkovitosti, enostavnosti, hitrosti oziroma manjših stroškov postopka. Pod enakimi pogoji se lahko pooblaščene osebe Agencije za zavarovalni nadzor udeležijo nadzora, ki ga izvaja nadzorni organ države članice.

(4) Agencija za zavarovalni nadzor lahko v skladu z 19. členom Uredbe 1094/2010 zaprosi za pomoč EIOPA, če od nadzornega organa države članice po obvestilu iz drugega odstavka tega člena ne prejme ustreznega sodelovanja ali če jo nadzorni organ države članice obvesti o pregledu podružnice zavarovalnice države članice in se s takšnim pregledom ne strinja.

Agency shall strive for the adoption of a joint decision on the designation of a branch as significant together with the supervisory authority that files a request.

(3) The Insurance Supervision Agency shall provide all information referred to in points 3 and 4 of paragraph two of Article 368 of this Act to the supervisory authority of the Member State in which a branch of an insurance undertaking that was designated as significant in accordance with the preceding paragraph is located.

Article 342
(Review of business of a branch of an insurance undertaking in a Member State)

(1) The supervision of a branch of an insurance undertaking in a Member State shall be conducted by the Insurance Supervision Agency.

(2) The Insurance Supervision Agency shall notify the supervisory authority in a Member State regarding the planned review of business of a branch of an insurance undertaking in that Member State.

(3) The Insurance Supervision Agency may request that the supervisory authority in the Member State in which an insurance undertaking conducts insurance business to conduct a review of the business of a branch of an insurance undertaking in that Member State, if this would accelerate or simplify the supervision procedure or where this conforms to the interests of efficiency, simplicity, promptness or reduced costs of the procedure. Authorised persons of the Insurance Supervision Agency may participate in the supervision conducted by the supervisory authority of the Member State under the same conditions.

(4) The Insurance Supervision Agency may, pursuant to Article 19 of Regulation 1094/2010, request the assistance of EIOPA if the supervisory authority of a Member State, following the notification referred to in paragraph two of this Article, does not cooperate to the extent required or if a supervisory authority of a Member State notifies it concerning the review of an insurance undertaking branch in the Member State, but the Agency disapproves of such review.

343. člen
(poročanje o zavarovalnih poslih v državi članici)

(1) Zavarovalnica, ki opravlja zavarovalne posle v državi članici, Agenciji za zavarovalni nadzor poroča o zavarovalnih poslih v posamezni državi članici, in sicer ločeno za zavarovalne posle, ki jih opravlja prek podružnice, in za zavarovalne posle, ki jih opravlja na podlagi neposrednega opravljanja zavarovalnih poslov.

(2) Poročilo iz prejšnjega odstavka ločeno obsega podatke o višini premij, obračunanih kosmatih zavarovalninah oziroma odškodninah in provizijah v skladu z delegiranim aktom, ki ga izda Evropska komisija na podlagi 159. člena Direktive 2009/138/ES, ter podatke o pogostosti in povprečni odškodnini za zavarovanje odgovornosti pri uporabi vozil iz 10. točke drugega odstavka 7. člena tega zakona, razen za zavarovanje prevozniške odgovornosti.

(3) Agencija za zavarovalni nadzor te podatke na zahtevo posreduje nadzornemu organu države članice.

344. člen
(ukrepi nadzora nad zavarovalnico, ki opravlja zavarovalne posle v državi članici)

(1) Če zavarovalnica, ki opravlja zavarovalne posle v državi članici, kljub opozorilu nadzornega organa države članice krši predpise te države članice, sprejme Agencija za zavarovalni nadzor ukrepe nadzora po tem zakonu.

(2) Agencija za zavarovalni nadzor nemudoma obvesti nadzorni organ države članice o ukrepih, ki jih je sprejela.

345. člen
(obvestilo nadzornemu organu države članice o odvzemu dovoljenja zavarovalnici)

Article 343
(Reporting on insurance business in a Member State)

(1) An insurance undertaking which conducts insurance business in a Member State shall report to the Insurance Supervision Agency on insurance business conducted in an individual Member State, separately for insurance business conducted through a branch, and for insurance business based on the direct provision of insurance business.

(2) The report referred to in the preceding paragraph shall separately include data on the amount of premiums, calculated gross insurance indemnities or benefits, and commissions pursuant to the delegated act issued by the European Commission pursuant to Article 159 of Directive 2009/138/EC, and data on the frequency of, and average indemnities for, vehicle liability insurance referred to in point 10 of paragraph two of Article 7 of this Act, with the exception of carrier’s liability insurance.

(3) The Insurance Supervision Agency shall, upon request, forward this data to the supervisory authority of the Member State.

Article 344
(Supervisory measures against an insurance undertaking conducting insurance business in a Member State)

(1) If an insurance undertaking which conducts insurance business in a Member State violates that Member State's regulations despite a warning from the Member State's supervisory authority, the Insurance Supervision Agency shall take supervisory measures pursuant to this Act.

(2) The Insurance Supervision Agency shall immediately notify the supervisory authority of the Member State of the adopted measures.

Article 345
(Notification to a supervisory authority of a Member State on withdrawal of authorisation from an insurance undertaking)

Če Agencija za zavarovalni nadzor zavarovalnici omeji oziroma odvzame dovoljenje za opravljanje zavarovalnih poslov, o tem nemudoma pisno obvesti nadzorne organe držav članic, v katerih zavarovalnica opravlja zavarovalne posle.

If the Insurance Supervision Agency restricts or withdraws authorisation from an insurance undertaking to conduct insurance business, it shall immediately notify in writing the supervisory authorities of Member States in which the insurance undertaking conducts insurance business.

7.10.2. Nadzor nad poslovanjem zavarovalnice države članice v Republiki Sloveniji

7.10.2. Supervision of the business of an insurance undertaking from a Member State in the Republic of Slovenia

346. člen
(nadzor nad poslovanjem zavarovalnice države članice v Republiki Sloveniji)

(1) Nadzor nad zavarovalnico države članice, ki opravlja zavarovalne posle na območju Republike Slovenije, opravlja nadzorni organ države članice.

(2) Ne glede na prejšnji odstavek je Agencija za zavarovalni nadzor pristojna opraviti pregled poslovanja podružnice zavarovalnice države članice na območju Republike Slovenije v skladu z 296. do 300. členom tega zakona zaradi preverjanja, ali podružnica ravna v skladu s tretjim odstavkom 133. člena tega zakona.

Article 346
(Supervision of business of an insurance undertaking from a Member State in the Republic of Slovenia)

(1) The supervision of an insurance undertaking from a Member State which conducts insurance business in the territory of the Republic of Slovenia shall be conducted by the supervisory authority of the Member State.

(2) Notwithstanding the preceding paragraph, the Insurance Supervision Agency shall be competent to conduct a review of the business of a branch of an insurance undertaking from a Member State in the territory of the Republic of Slovenia pursuant to Articles 296 to 300 of this Act, in order to establish whether the branch acts in accordance with paragraph three of Article 133 of this Act.

347. člen
(sodelovanje z nadzornim organom države članice sedeža zavarovalnice)

(1) Agencija za zavarovalni nadzor sodeluje z nadzornim organom države članice sedeža zavarovalnice, ki na območju Republike Slovenije neposredno ali prek podružnice opravlja zavarovalne posle, in mu zagotovi vse informacije, s katerimi razpolaga in ki so potrebne za opravljanje nadzora oziroma spremljanje poslovanja take zavarovalnice, zlasti glede kapitalske ustreznosti, zavarovalno-tehničnih rezervacij, likvidnosti, administrativnih in računovodskih postopkov in sistema notranjih kontrol.

Article 347
(Cooperation with the supervisory authority of a Member State where an insurance undertaking has its head office)

(1) The Insurance Supervision Agency shall cooperate with the supervisory authority of a Member State where the head office of an insurance undertaking which directly or through its branch conducts insurance business in the Republic of Slovenia is located, and shall provide it with all information available and necessary to conduct or monitor the business of such an insurance undertaking, particularly regarding its capital adequacy, technical provisions, liquidity, administrative and accounting procedures, and the internal control

(2) Agencija za zavarovalni nadzor lahko pri nadzornem organu iz prejšnjega odstavka vloži zahtevo za opredelitev podružnice zavarovalnice iz prejšnjega odstavka kot pomembne. Zahtevo iz prejšnjega stavka Agencija za zavarovalni nadzor vloži pri nadzorniku skupine, če ta organ opravlja naloge iz 363. člena tega zakona.

(3) Agencija za zavarovalni nadzor si skupaj z drugimi nadzornimi organi iz prejšnjega odstavka prizadeva za sprejem skupne odločitve o opredelitvi podružnice kot pomembne.

(4) Opredelitev podružnice zavarovalnice iz prvega odstavka tega člena kot pomembne ne vpliva na pristojnosti in odgovornosti Agencije za zavarovalni nadzor po tem zakonu.

348. člen
(pregled poslovanja podružnice zavarovalnice države članice)

(1) Nadzorni organ države članice oziroma osebe, ki jih pooblasti, lahko na območju Republike Slovenije opravijo pregled poslovanja podružnice zavarovalnice te države članice. O nameravanem navedenem pregledu poslovanja nadzorni organ države članice predhodno obvesti Agencijo za zavarovalni nadzor.

(2) V primeru iz prejšnjega odstavka ima nadzorni organ države članice oziroma osebe, ki jih pooblasti, enake pristojnosti kot Agencija za zavarovalni nadzor na podlagi 296. do 300. člena tega zakona.

(3) Na zaprosilo nadzornega organa države članice Agencija za zavarovalni nadzor opravi pregled poslovanja podružnice zavarovalnice te države članice na območju Republike Slovenije. Nadzorni organ države članice se lahko, če tako zahteva, udeleži tega pregleda.

system.

(2) The Insurance Supervision Agency may file with the supervisory authority referred to in the preceding paragraph a request to designate a branch of an insurance undertaking referred to in the preceding paragraph as significant. The Insurance Supervision Agency may file the request referred to in the preceding sentence with the group supervisor, if that authority conducts tasks referred to in Article 363 of this Act.

(3) The Insurance Supervision Agency shall together with the other supervisory authorities referred to in the preceding paragraph strive to adopt a joint decision on the designation of a branch as significant.

(4) The designation of the insurance undertaking branch referred to in paragraph one of this Article as significant shall not affect the competences and responsibilities of the Insurance Supervision Agency pursuant to this Act.

Article 348
(Review of business of an insurance undertaking branch from a Member State)

(1) The supervisory authority of a Member State or persons authorised by it may, in the territory of the Republic of Slovenia, conduct a review of business of a branch of an insurance undertaking from that Member State. The supervisory authority of the Member State shall notify the Insurance Supervision Agency of the planned review of business in advance.

(2) In the case referred to in the preceding paragraph, the supervisory authority of the Member State or the persons authorised by it shall have the same competences as the Insurance Supervision Agency on the basis of Articles 296 to 300 of this Act.

(3) At the request of the supervisory authority of a Member State, the Insurance Supervision Agency shall conduct a review of business of the branch of the insurance undertaking from that Member State in the territory of the Republic of Slovenia. The supervisory authority of the Member State may, at its own request, take part in the review.

349. člen
(ukrepi nadzora nad zavarovalnico in podružnico zavarovalnice države članice)

(1) Če zavarovalnica države članice, ki na območju Republike Slovenije neposredno ali prek podružnice opravlja zavarovalne posle, krši določbe predpisov iz tretjega odstavka 133. člena tega zakona, ji Agencija za zavarovalni nadzor z odredbo naloži odpravo kršitev.

(2) Če zavarovalnica države članice v roku, določenem z odredbo, ne ravna v skladu z odredbo iz prejšnjega odstavka, Agencija za zavarovalni nadzor o tem obvesti nadzorni organ države članice sedeža zavarovalnice.

(3) Če zavarovalnica države članice kljub ukrepom nadzornega organa države članice sedeža zavarovalnice ali zato, ker ti ukrepi niso učinkoviti oziroma jih v državi članici sedeža zavarovalnice ni mogoče izreči, nadaljuje s kršitvami iz prvega odstavka tega člena, ji lahko Agencija za zavarovalni nadzor izreče prepoved sklepanja novih zavarovalnih pogodb na območju Republike Slovenije.

(4) Agencija za zavarovalni nadzor lahko v primeru iz prejšnjega odstavka preda zadevo EIOPA, da ta ukrepa v skladu z 19. členom Uredbe 1094/2010.

(5) Pred izrekom ukrepa iz tretjega odstavka tega člena Agencija za zavarovalni nadzor obvesti nadzorni organ države članice sedeža zavarovalnice.

(6) Agencija za zavarovalni nadzor lahko zavarovalnici države članice izreče prepoved sklepanja novih zavarovalnih pogodb na območju Republike Slovenije, ne da bi predhodno obvestila nadzorni organ države članice sedeža te zavarovalnice, če zaradi varovanja interesov zavarovancev, zavarovalcev, drugih upravičencev ali zaradi varovanja

Article 349
(Supervisory measures against an insurance undertaking from a Member State and its branch)

(1) If an insurance undertaking from a Member State that conducts insurance business directly or through a branch in the territory of the Republic of Slovenia violates the provisions of the regulations referred to in paragraph three of Article 133 of this Act, the Insurance Supervision Agency shall issue an order to eliminate such violations.

(2) If an insurance undertaking from a Member State fails to comply with the order referred to in the preceding paragraph within the deadline set by the order, the Insurance Supervision Agency shall notify the supervisory authority of the Member State where the insurance undertaking has its head office.

(3) If an insurance undertaking from a Member State continues to violate the provisions referred to in paragraph one of this Article despite measures imposed by the supervisory authority of the Member State where the insurance undertaking has its head office, or because such measures are not effective or cannot be imposed in the Member State, the Insurance Supervision Agency may prohibit the insurance undertaking from concluding new insurance contracts in the territory of the Republic of Slovenia.

(4) The Insurance Supervision Agency may, in the case referred to in the preceding paragraph, bring the matter to EIOPA for it to act pursuant to Article 19 of Regulation 1094/2010.

(5) Prior to imposing the measure referred to in paragraph three of this Article, the Insurance Supervision Agency shall notify the supervisory authority of the Member State where the head office of the insurance undertaking is located.

(6) The Insurance Supervision Agency may prohibit the insurance undertaking from a Member State from concluding new insurance contracts in the Republic of Slovenia without prior notification to the supervisory authority of the Member State where the head office of that insurance undertaking is located, if the prohibition cannot be delayed

drugih javnih koristi ni mogoče odlašati.

(7) V primeru iz prejšnjega odstavka Agencija za zavarovalni nadzor o prepovedi sklepanja novih zavarovalnih pogodb obvesti nadzorni organ države članice sedeža zavarovalnice in Evropsko komisijo takoj, ko je to mogoče.

350. člen
(ukrepi zaradi odvzema dovoljenja zavarovalnici države članice)

Če nadzorni organ države članice sedeža zavarovalnice, ki na območju Republike Slovenije neposredno ali prek podružnice opravlja zavarovalne posle, obvesti Agencijo za zavarovalni nadzor, da je bilo tej zavarovalnici odvzeto dovoljenje za opravljanje zavarovalnih poslov, Agencija za zavarovalni nadzor opravi ustrezne ukrepe po tem zakonu, da se tej zavarovalnici prepreči nadaljnje opravljanje zavarovalnih poslov in da se zavarujejo interesi zavarovancev, zavarovalcev in drugih upravičencev.

7.10.3. Nadzor nad drugimi osebami

351. člen
(odredba o prenehanju opravljanja zavarovalnih poslov)

(1) Če oseba kljub temu, da v skladu z 21. členom tega zakona ni upravičena opravljati zavarovalnih poslov, opravlja zavarovalne posle, ji Agencija za zavarovalni nadzor izda odredbo, s katero ji naloži, da preneha s tem (v nadaljnjem besedilu: odredba o prenehanju opravljanja zavarovalnih poslov).

(2) Agencija za zavarovalni nadzor lahko še pred izdajo odredbe o prenehanju opravljanja zavarovalnih poslov opravi pregled poslovnih knjig in druge dokumentacije osebe in zbere druge dokaze o

due to the protection of the interests of policyholders, insured persons, other beneficiaries, or due to the protection of other public interests.

(7) In the case referred to in the preceding paragraph, the Insurance Supervision Agency shall notify as soon as possible the supervisory authority of the Member State where the head office of this insurance undertaking is located and the European Commission about the prohibition on concluding new insurance contracts.

Article 350
(Measures resulting from withdrawal of authorisation from an insurance undertaking from a Member State)

If the supervisory authority of a Member State in which is located the head office of an insurance undertaking which conducts, directly or through a branch, insurance business in the Republic of Slovenia, notifies the Insurance Supervision Agency of the withdrawal of authorisation to conduct insurance business from this insurance undertaking, the Insurance Supervision Agency shall undertake appropriate measures pursuant to this Act in order to prevent the insurance undertaking from conducting any future insurance business and to protect the interests of policyholders, insured persons and other beneficiaries.

7.10.3. Supervision of other persons

Article 351
(Order to cease conducting insurance business)

(1) If a person, despite the fact that pursuant to Article 21 of this Act they are not entitled to conduct insurance business, conducts insurance business, the Insurance Supervision Agency shall issue an order for it to cease (hereinafter: order to cease conducting insurance business).

(2) The Insurance Supervision Agency may, prior to issuing the order to cease conducting insurance business, review the books of accounts and other documentation of the person and collect other

tem, ali oseba opravlja zavarovalne posle.

(3) V odredbi o prenehanju opravljanja zavarovalnih poslov Agencija za zavarovalni nadzor osebi naloži, da v roku, ki ne sme biti krajši od osem in ne daljši od 15 dni, predloži poročilo, v katerem opiše ukrepe, ki jih je opravila v zvezi s prenehanjem opravljanja zavarovalnih poslov, ter v katerem se oseba lahko izjavi o utemeljenosti razlogov za izdajo odredbe. Oseba poročilu priloži dokaze, iz katerih izhaja, da je opravila ukrepe v zvezi s prenehanjem opravljanja zavarovalnih poslov.

352. člen
(odločba o ugotovitvi razloga za likvidacijo)

(1) Če pravna oseba ne ravna po odredbi o prenehanju opravljanja zavarovalnih poslov ali če tudi po izteku roka za izvršitev odredbe iz prejšnjega člena opravlja zavarovalne posle, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da obstaja razlog za likvidacijo te osebe (v nadaljnjem besedilu: odločba o ugotovitvi razloga za likvidacijo).

(2) Odločba o ugotovitvi razloga za likvidacijo je obrazložena.

(3) Na podlagi dokončne odločbe o ugotovitvi razloga za likvidacijo začne pristojno sodišče na predlog Agencije za zavarovalni nadzor postopek likvidacije.

(4) Sodišče izda sklep o začetku postopka likvidacije brez ponovnega preizkusa pogojev za začetek tega postopka v roku treh delovnih dni od vložitve predloga iz prejšnjega odstavka.

(5) Zoper sklep o začetku postopka likvidacije iz prejšnjega odstavka ni pritožbe.

(6) Če samostojni podjetnik posameznik ne ravna po odredbi o prenehanju opravljanja zavarovalnih poslov ali če tudi po izteku roka za izvršitev odredbe iz prejšnjega člena opravlja zavarovalne posle, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da obstaja

evidence as to whether the person conducts insurance business.

(3) In the order to cease conducting insurance business, the Insurance Supervision Agency shall impose on the person to submit a report, within a deadline not shorter than eight and not longer than 15 days, specifying the measures undertaken in connection with ceasing their conduct of insurance business and in which the person may state its view on the justification of the grounds for issuing the order. The person's report shall enclose evidence showing the measures taken in relation to ceasing the conducting of insurance business.

Article 352
(Decision identifying grounds for liquidation)

(1) If a legal person fails to comply with an order to cease the conducting of insurance business, or even after the expiry of the deadline for implementation of the order referred to in the preceding paragraph conducts insurance business, the Insurance Supervision Agency shall issue a decision identifying the grounds for the liquidation of such person (hereinafter: decision identifying grounds for liquidation).

(2) The decision identifying grounds for liquidation shall be substantiated.

(3) Based on the final decision identifying grounds for liquidation, the court of competent jurisdiction shall initiate liquidation proceedings on the proposal of the Insurance Supervision Agency.

(4) The court shall issue a decision on the initiation of liquidation proceedings without re-examining the conditions for the initiation of these proceedings within three business days of the submission of the proposal referred to in the preceding paragraph.

(5) No appeal shall be allowed against the decision on the initiation of liquidation proceedings referred to in the preceding paragraph.

(6) If a sole trader fails to comply with the order to cease the conducting of insurance business or even after the expiry of the deadline provided for implementing the order referred to in the preceding paragraph continues to conduct insurance business, the Insurance Supervision

razlog za izbris samostojnega podjetnika posameznika iz Poslovnega registra Slovenije (v nadaljnjem besedilu: odločba o ugotovitvi razloga za izbris iz registra). Odločba o ugotovitvi razloga za izbris iz registra je obrazložena. Na podlagi dokončne odločbe o ugotovitvi razloga za izbris iz registra Agencija Republike Slovenije za javnopravne evidence in storitve po uradni dolžnosti izbriše samostojnega podjetnika posameznika iz Poslovnega registra Slovenije.

353. člen
(odredba o prenehanju opravljanja dejavnosti zavarovalnega zastopanja oziroma posredovanja)

(1) 351. in 352. člen tega zakona se smiselno uporabljata tudi, če oseba opravlja dejavnost zavarovalnega zastopanja oziroma posredovanja v nasprotju s prvim, četrtim in petim odstavkom 558. člena, prvim odstavkom 573. člena in prvim odstavkom v povezavi z drugim odstavkom 576. člena tega zakona.

(2) Pri smiselni uporabi se namesto »odredba o prenehanju opravljanja zavarovalnih poslov« uporablja »odredba o prenehanju opravljanja dejavnosti zavarovalnega zastopanja oziroma posredovanja«.

8. poglavje:

NADZOR, UPRAVLJANJE TVEGANJ IN RAZKRITJA NA RAVNI SKUPINE

8.1. *Izvajanje nadzora na ravni skupine*

354. člen
(pojmi v zvezi z nadzorom na ravni skupine)

(1) Udeležena družba je družba s sedežem v Republiki Sloveniji ali drugi državi članici, ki je:
1. drugi družbi nadrejena v skladu s 14. členom tega zakona oziroma ki nad drugo družbo izvaja prevladujoč vpliv,

Agency shall issue a decision identifying grounds for the removal of the sole trader from the Slovenian Business Register (hereinafter: decision identifying grounds for removal from the register). The decision identifying grounds for removal from the register shall be substantiated. Based on the final decision identifying grounds for removal from the register, the Agency of the Republic of Slovenia for Public Legal Records and Related Services shall remove the sole trader from the Slovenian Business Register on an *ex officio* basis.

Article 353
(Order to cease conducting insurance agency or insurance brokerage services)

(1) Articles 351 and 352 of this Act shall also apply *mutatis mutandis* to a person providing insurance agency or brokerage services contrary to paragraphs one, four and five of Article 558, paragraph one of Article 573 and paragraph one in conjunction with paragraph two of Article 576 of this Act.

(2) When applying, *mutatis mutandis*, the wording "order to cease providing insurance agency or insurance brokerage services" shall apply instead of the text "order to cease conducting insurance business".

Chapter Eight

SUPERVISION, RISK MANAGEMENT AND DISCLOSURE AT GROUP LEVEL

8.1. *Conducting supervision at group level*

Article 354
(Terms relating to supervision at group level)

(1) A participating company shall be a company with its head office in the Republic of Slovenia or any other Member State that is:
1. a parent entity of a company pursuant to Article 14 of this Act or a company exercising a controlling influence over another company,

2. v drugi družbi udeležena v skladu z drugim odstavkom 13. člena tega zakona ali
3. z drugo družbo povezana s skupnim vodenjem, kot je določeno v 17. členu tega zakona.

(2) Zavarovalni holding je nadrejena družba, ki ni mešani finančni holding in katere glavni posel sta pridobivanje in upravljanje udeležb, kot so določene v prejšnjem odstavku, izključno ali predvsem v zavarovalnicah držav članic ali zavarovalnicah tretjih držav, pri čemer je najmanj ena podrejena družba zavarovalnica države članice.

(3) Mešani zavarovalni holding je nadrejena družba, ki ni zavarovalnica države članice ali tretje države, zavarovalni holding ali mešani finančni holding in ki ima najmanj eno podrejeno zavarovalnico države članice.

(4) Nadzornik skupine je nadzorni organ, odgovoren za nadzor na ravni skupine.

(5) Kolegij nadzornih organov (v nadaljnjem besedilu: kolegij) je stalna, vendar prilagodljiva sestava za sodelovanje in usklajevanje nadzornih organov držav članic, kjer so sedeži družb skupine in nadzornika skupine.

(6) Povezana družba je družba s sedežem v Republiki Sloveniji ali drugi državi članici:
1. ki je drugi družbi podrejena v skladu s 14. členom tega zakona oziroma če nad to družbo druga družba izvaja prevladujoč vpliv,
2. v kateri je druga družba udeležena v skladu z drugim odstavkom 13. člena tega zakona ali
3. ki je z drugo družbo povezana s skupnim vodenjem, kot je določeno v 17. členu tega zakona.

355. člen
(končna nadrejena družba na ravni EU in na ravni Republike Slovenije)

2. a participating company in another company pursuant to paragraph two of Article 13 of this Act or
3. linked with another company by joint management, as laid down in Article 17 of this Act.

(2) An insurance holding company shall mean a parent company that is not a mixed financial holding company and the main business of which is the acquisition and management of participation as laid down in the preceding paragraph exclusively or mainly in insurance undertakings from Member States or insurance undertakings from third countries, where at least one subsidiary company is an insurance undertaking from a Member State.

(3) A mixed insurance holding company shall mean a parent company other than an insurance undertaking from a Member State or a third country, an insurance holding company, or a mixed financial holding company and that has at least one subsidiary insurance undertaking in a Member State.

(4) A group supervisor shall mean a supervisory authority responsible for supervision at group level.

(5) A college of supervisory authorities (hereinafter: college) shall mean a permanent but flexible structure for the cooperation and coordination of the supervisory authorities of Member States where the head offices of group companies and the group supervisor are located.

(6) An associated undertaking shall be an undertaking with its head office in the Republic of Slovenia or any other Member State:
1. that is controlled by another company pursuant to Article 14 of this Act or another company is exercising a controlling influence over this company,
2. in which another company has a participating share pursuant to paragraph two of Article 13 of this Act or
3. that is linked with another company by joint management, as laid down in Article 17 of this Act.

Article 355
(Ultimate parent company at EU level and at Republic of Slovenia level)

(1) Končna nadrejena družba na ravni EU je udeležena zavarovalnica s sedežem v državi članici, zavarovalni holding s sedežem v državi članici ali mešani finančni holding s sedežem v državi članici, ki ni podrejen drugi zavarovalnici s sedežem v državi članici, zavarovalnemu holdingu s sedežem v državi članici ali mešanemu finančnemu holdingu s sedežem v državi članici.

(2) Končna nadrejena družba na ravni Republike Slovenije je udeležena zavarovalnica, udeleženi zavarovalni holding ali mešani finančni holding s sedežem v Republiki Sloveniji, ki ni podrejen drugi zavarovalnici, zavarovalnemu holdingu ali mešanemu finančnemu holdingu s sedežem v Republiki Sloveniji in je podrejen končni nadrejeni družbi na ravni EU iz prejšnjega odstavka s sedežem v drugi državi članici.

356. člen
(pristojnost Agencije za zavarovalni nadzor za nadzor na ravni skupine)

(1) Agencija za zavarovalni nadzor je pristojna in odgovorna za nadzor na ravni končne nadrejene družbe na ravni EU (v nadaljnjem besedilu: nadzor na ravni skupine), če:

1. je končna nadrejena družba na ravni EU zavarovalnica (v nadaljnjem besedilu: končna nadrejena zavarovalnica na ravni EU),
2. je zavarovalnica podrejena nadrejenemu zavarovalnemu holdingu s sedežem v državi članici ali mešanemu finančnemu holdingu s sedežem v državi članici,
3. skupina nima nadrejene družbe s sedežem v državi članici in je bilančna vsota zavarovalnice večja od bilančnih vsot zavarovalnic drugih držav članic.

(2) Če so istemu končnemu nadrejenemu zavarovalnemu holdingu ali mešanemu finančnemu holdingu na ravni EU poleg zavarovalnice podrejene tudi zavarovalnice drugih držav članic, je

(1) An ultimate parent company at EU level shall be a participating insurance undertaking with its head office in a Member State, an insurance holding company with head office in a Member State, or a mixed financial holding company with head office in a Member State that is not controlled by another insurance undertaking with head office in a Member State, an insurance holding company with head office in a Member State, or a mixed financial holding company with head office in a Member State.

(2) An ultimate parent company at the level of the Republic of Slovenia is a participating insurance undertaking, participating insurance holding company or mixed financial holding company with head office in the Republic of Slovenia that is not controlled by another insurance undertaking, insurance holding company or mixed financial holding company with head office in the Republic of Slovenia that is controlled by an ultimate parent company at the EU level referred to in the preceding paragraph with head office in another Member State.

Article 356
(Competence of the Insurance Supervision Agency for supervision at group level)

(1) The Insurance Supervision Agency shall be competent and responsible for supervision at the level of an ultimate parent company at the EU level (hereinafter: supervision at group level) if:

1. the ultimate parent company at the EU level is an insurance undertaking (hereinafter: ultimate parent insurance undertaking at EU level),
2. the insurance undertaking is controlled by a parent insurance holding company with head office in a Member State or by a mixed financial holding company with head office in a Member State,
3. the group does not have a parent company with head office in a Member State and if the balance sheet total of the insurance undertaking is greater than the balance sheet totals of insurance undertakings of other Member States.

(2) If the same ultimate parent insurance holding company or mixed financial holding company at EU level controls, in addition to an insurance undertaking, insurance undertakings in other Member States,

Agencija za zavarovalni nadzor pristojna in odgovorna za nadzor na ravni skupine, če ima ta zavarovalni holding oziroma mešani finančni holding sedež v Republiki Sloveniji.

(3) Če je na čelu skupine več zavarovalnih holdingov s sedežem v različnih državah članicah ali mešanih finančnih holdingov s sedežem v različnih državah članicah in je vsakemu od njih podrejena tudi zavarovalnica države članice sedeža zavarovalnega oziroma mešanega finančnega holdinga, je Agencija za zavarovalni nadzor pristojna in odgovorna za nadzor na ravni skupine, če je bilančna vsota zavarovalnice večja od bilančnih vsot drugih podrejenih zavarovalnic drugih držav članic.

(4) Če so istemu končnemu nadrejenemu zavarovalnemu holdingu ali mešanemu finančnemu holdingu na ravni EU poleg zavarovalnice podrejene tudi zavarovalnice drugih držav članic in nobena od podrejenih zavarovalnic ni pridobila dovoljenja za opravljanje zavarovalnih poslov v državi članici sedeža tega zavarovalnega holdinga ali mešanega finančnega holdinga, je Agencija za zavarovalni nadzor pristojna in odgovorna za nadzor zavarovalnice na ravni skupine, če je bilančna vsota zavarovalnice večja od bilančnih vsot podrejenih zavarovalnic drugih držav članic.

(5) Agencija za zavarovalni nadzor je pristojna in odgovorna za nadzor na ravni skupine tudi v primerih, ko je odgovornost za tak nadzor prevzela na podlagi skupne odločitve z nadzornimi organi držav članic sedeža zavarovalnic v skupini.

357. člen
(prenos pristojnosti Agencije za zavarovalni nadzor na ravni skupine na nadzorni organ druge države članice)

(1) Agencija za zavarovalni nadzor lahko na podlagi skupne odločitve z nadzornimi organi držav članic sedeža drugih zavarovalnic v skupini prenese svoje pristojnosti in odgovornosti za nadzor na ravni skupine iz prvega odstavka prejšnjega člena na nadzorni organ države članice sedeža druge zavarovalnice v skupini oziroma postane nadzornik

the Insurance Supervision Agency shall be competent and responsible for supervision at group level if the insurance holding company's or mixed financial holding company's head office is in the Republic of Slovenia.

(3) If multiple insurance holding companies with head offices in various Member States or multiple mixed financial holding companies with head offices in various Member States are at the head of a group and if an insurance undertaking of a Member State where the head office of the insurance or mixed financial holding company is located is controlled by each of these, then the Insurance Supervision Agency shall be competent and responsible for supervision at group level if the balance sheet total of the insurance undertaking is greater than the balance sheet totals of other controlled insurance undertakings in other Member States.

(4) If the same ultimate parent insurance holding company or mixed financial holding company at the EU level controls, in addition to the insurance undertaking, insurance undertakings in other Member States and if none of the subsidiary insurance undertakings have obtained authorisation to conduct insurance business in the Member State where the insurance holding company has its head office, the Insurance Supervision Agency shall be competent and responsible for the supervision of the insurance undertaking at group level if the balance sheet total is greater than the balance sheet totals of the subsidiary insurance undertakings in other Member States.

(5) The Insurance Supervision Agency shall also be competent and responsible for supervision at group level, if it assumes responsibility for such supervision based on a joint decision together with the supervisory authorities of Member States with the head office of insurance undertakings in the group.

Article 357
(Transfer of competence of the Insurance Supervision Agency at group level to a supervisory authority of another Member State)

(1) The Insurance Supervision Agency may, based on a joint decision with supervisory authorities of Member States with the head offices of other insurance undertakings in the group, transfer its competence and responsibilities for exercising supervision at group level referred to in paragraph one of the preceding Article to a supervisory

na ravni skupine, tudi če merila iz prejšnjega člena niso izpolnjena. Prenos pristojnosti in odgovornosti za nadzor na ravni skupine lahko zahteva Agencija za zavarovalni nadzor ali nadzorni organ držav članic sedeža zavarovalnic v skupini.

(2) Pred sprejemom odločitve iz prejšnjega odstavka Agencija za zavarovalni nadzor omogoči končni nadrejeni družbi na ravni EU s sedežem v Republiki Sloveniji oziroma podrejeni zavarovalnici z največjo bilančno vsoto možnost, da se o tem izjavi.

(3) Agencija za zavarovalni nadzor si prizadeva, da z nadzornimi organi držav članic sedeža drugih zavarovalnic v skupini v treh mesecih po tistem, ko je Agencija za zavarovalni nadzor oziroma drugi pristojni nadzorni organ države članice zahteval prenos pristojnosti, sprejme skupno odločitev glede prenosa pristojnosti.

(4) Če zadevni nadzorni organi iz prvega odstavka tega člena v obdobju iz prejšnjega odstavka ne sprejmejo skupne odločitve glede prenosa pristojnosti, opravlja nadzor Agencija za zavarovalni nadzor na ravni skupine v primerih kot je določeno v prejšnjem členu.

(5) V obdobju iz tretjega odstavka tega člena lahko Agencija za zavarovalni nadzor na podlagi 19. člena Uredbe 1094/2010 preda odločitev glede prenosa pristojnosti EIOPA.

(6) Če Agencija za zavarovalni nadzor ali drug nadzorni organ države članice sedeža druge zavarovalnice v skupini preda odločitev glede prenosa pristojnosti EIOPA, Agencija za zavarovalni nadzor upošteva odločitev EIOPA glede prenosa pristojnosti.

358. člen
(obseg nadzora)

authority of the Member State with the head office of another insurance undertaking in the group, or it may become the supervisor at group level even if the criteria referred to in the previous Article have not been fulfilled. The transfer of competence and responsibilities for exercising supervision at group level may be required by the Insurance Supervision Agency or the supervisory authority of Member States with head offices of the insurance undertakings in the group.

(2) Prior to adopting a decision referred to in the preceding paragraph, the Insurance Supervision Agency shall allow the ultimate parent company at the EU level with its head office in the Republic of Slovenia or a subsidiary insurance undertaking with the largest balance sheet total to express its views on this.

(3) The Insurance Supervision Agency shall strive together with the supervisory authorities of Member States with the head offices of the other insurance undertakings in the group within three months of the Insurance Supervision Agency or any other competent supervisory authority of a Member State requiring the transfer of competences, to adopt a joint decision on the transfer of competence.

(4) If the relevant supervisory authorities referred to in paragraph one of this Article fail to adopt a joint decision on the transfer of competence within the period referred to in the preceding paragraph, the Insurance Supervision Agency shall conduct supervision at group level in the cases as laid down in the preceding Article.

(5) Within the period referred to in paragraph three of this Article, the Insurance Supervision Agency may submit the adoption of the decision on the transfer of competences to EIOPA based on Article 19 of Regulation 1094/2010.

(6) If the Insurance Supervision Agency or any other supervisory authority of the Member State with the head office of another insurance undertaking in the group refers the decision on the transfer of competence to EIOPA, the Insurance Supervision Agency shall take into account the decision on the transfer of competence adopted by EIOPA.

Article 358
(Scope of supervision)

(1) Agencija za zavarovalni nadzor ne vključi v nadzor na ravni skupine ali nadzor skupine na ravni Republike Slovenije:

1. družbe v tretji državi, kjer obstajajo zakonske ovire za prenos potrebnih podatkov, ne glede na 389. člen tega zakona;
2. družbe, ki imajo zanemarljiv vpliv na doseganje ciljev nadzora na ravni skupine;
3. družbe, katere vključitev bi bila neprimerna in zavajajoča glede na cilje nadzora na ravni skupine.

(2) Če je v skupini več družb iz 2. točke prejšnjega odstavka in njihov skupni vpliv na cilje nadzora na ravni skupine ni zanemarljiv, so te družbe vključene v nadzor na ravni skupine.

(3) Pred odločitvijo o nevključitvi družbe iz 2. in 3. točke prvega odstavka tega člena v nadzor na ravni skupine, se Agencija za zavarovalni nadzor posvetuje z nadzornimi organi držav članic sedeža zavarovalnic v skupini.

(4) Če Agencija za zavarovalni nadzor na podlagi 2. in 3. točke prvega odstavka tega člena družbe ne vključi v nadzor na ravni skupine, končna nadrejena družba na ravni EU s sedežem v Republiki Sloveniji na prošnjo nadzornega organa države članice, kjer ima nevključena družba sedež, posreduje temu nadzornemu organu podatke, ki lahko poenostavijo nadzor nad zadevno družbo.

359. člen
(nadzor skupine na ravni Republike Slovenije)

(1) Agencija za zavarovalni nadzor lahko izvaja nadzor skupine na ravni končne nadrejene družbe v Republiki Sloveniji (v nadaljnjem besedilu: nadzor skupine na ravni Republike Slovenije).

(2) Agencija za zavarovalni nadzor utemelji nadzor iz prejšnjega odstavka nadzorniku skupine in končni nadrejeni družbi na

(1) The Insurance Supervision Agency shall not include in the supervision at group level or group supervision at the level of the Republic of Slovenia:

1. undertakings in a third country where there are legal impediments to the transfer of necessary data, notwithstanding Article 389 of this Act;
2. undertakings having negligible influence on the achievement of the objectives of supervision at group level;
3. undertakings whose inclusion would be inappropriate and misleading with respect to the objectives of supervision at group level.

(2) Where several undertakings of the same group referred to in point 2 of the preceding paragraph and their joint influence on the objectives of supervision at group level is not negligible, these undertakings shall be included in supervision at group level.

(3) The Insurance Supervision Agency shall consult the supervisory authorities of Member States with the head office of insurance undertakings in the group prior to adopting a decision on not including a company referred to in points 2 and 3 of paragraph one of this Article in the supervision at group level.

(4) If the Insurance Supervision Agency based on points 2 and 3 of paragraph one of this Article does not include the undertaking in supervision at group level, the ultimate parent company at the EU level with head office in the Republic of Slovenia shall, at the request of the supervisory authority of the Member State with head office of the undertaking that was not included, provide this supervisory authority with data that may simplify the supervision of this undertaking.

Article 359
(Group supervision at the level of the Republic of Slovenia)

(1) The Insurance Supervision Agency may conduct group supervision at the level of the ultimate parent company in the Republic of Slovenia (hereinafter: group supervision at the level of the Republic of Slovenia).

(2) The Insurance Supervision Agency shall justify to the group supervisor and the ultimate parent company at the EU level the

ravni EU.

(3) Nadzor skupine na ravni Republike Slovenije ni možen, če je končna nadrejena družba na ravni Republike Slovenije podrejena končni nadrejeni družbi na ravni EU, ki je v skladu s 394. oziroma 398. členom tega zakona pridobila dovoljenje za uporabo 395. in 396. člena tega zakona.

(4) Agencija za zavarovalni nadzor pri izvajanju nadzora skupine na ravni Republike Slovenije ravna v skladu z akti Evropske komisije, izdanimi na podlagi sedmega odstavka 216. člena Direktive 2009/138/ES.

360. člen
(nadzor skupine na ravni več držav članic)

(1) Če Agencija za zavarovalni nadzor izvaja nadzor skupine na ravni Republike Slovenije, lahko z nadzornimi organi drugih držav članic, ki izvajajo nadzor na ravni končne nadrejene družbe na nacionalni ravni, sklene sporazum:

1. da izvaja nadzor na ravni podskupine, ki vključuje več držav članic, ali

2. da nadzorni organ druge države članice izvaja nadzor na ravni podskupine, ki vključuje tudi družbe v skupini s sedežem v Republiki Sloveniji.

(2) V primeru sklenitve sporazuma iz prejšnjega odstavka Agencija za zavarovalni nadzor ne izvaja nadzora skupine na ravni Republike Slovenije.

(3) V primeru sklenitve sporazuma iz prvega odstavka tega člena se za nadzor smiselno uporablja drugi odstavek 361. člena tega zakona.

(4) Agencija za zavarovalni nadzor pri sklenitvi sporazuma iz prvega odstavka tega člena ravna v skladu z akti Evropske komisije, izdanimi na podlagi tretjega odstavka 217. člena Direktive 2009/138/ES.

supervision referred to in the preceding paragraph.

(3) Group supervision at the level of the Republic of Slovenia shall not be possible, if the ultimate parent company at the level of the Republic of Slovenia is a subsidiary of the ultimate parent company at the EU level having obtained, in accordance with Article 394 or 398 of this Act, authorisation for the application of Articles 395 and 396 of this Act.

(4) The Insurance Supervision Agency shall, in conducting group supervision at the level of the Republic of Slovenia, comply with the acts of the European Commission issued on the basis of Article 216(7) of Directive 2009/138/EC.

Article 360
(Group supervision at the level of several Member States)

(1) The Insurance Supervision Agency, if it is conducting group supervision at the level of the Republic of Slovenia, may conclude an agreement with the supervisory authorities of other Member States that are conducting supervision at the level of the ultimate parent company at national level:
1. to conduct supervision at the level of a subgroup that includes several Member States, or
2. to allow the supervisory authority of the other Member State to conduct supervision at the level of a subgroup that also includes companies in the group with head office in the Republic of Slovenia.

(2) If the agreement referred to in the preceding paragraph is concluded, the Insurance Supervision Agency shall not conduct group supervision at the level of the Republic of Slovenia.

(3) If the agreement referred to in paragraph one of this Article is concluded, paragraph two of Article 361 of this Act shall apply *mutatis mutandis* to supervision.

(4) The Insurance Supervision Agency shall, in concluding the agreement referred to in paragraph one of this Article, comply with the acts of the European Commission issued on the basis of Article 217(3) of Directive 2009/138/EC.

361. člen
(določbe, ki se uporabljajo za nadzor na ravni skupine)

(1) Nadzor na ravni skupine se izvaja na ravni končne nadrejene družbe EU v skladu s 362. do 403. členom tega zakona.

(2) Za nadzor skupine na ravni Republike Slovenije se smiselno uporabljajo 362. člen, 372. člen, prvi odstavek 373. člena, 374. člen, 376. do 400. člen, 402. in 403. člen tega zakona. Obseg posameznega nadzora določi Agencija za zavarovalni nadzor.

(3) Določbe tega zakona, ki določajo pravila za nadzor posameznih zavarovalnic, se uporabljajo za posamezne zavarovalnice znotraj skupine, razen če je v tem poglavju drugače določeno.

362. člen
(obveznosti zavarovalnic, nadrejenega zavarovalnega holdinga in nadrejenega mešanega finančnega holdinga glede nadzora na ravni skupine)

(1) Zavarovalnice v skupini zavarovalnic zavarovalnemu holdingu oziroma mešanemu finančnemu holdingu, pri katerem se izvaja nadzor na ravni skupine, posredujejo vse informacije, ki jih ta potrebuje za izpolnitev obveznosti na ravni skupine ali podskupine oziroma za namene nadzora skupine.

(2) Nadrejeni zavarovalni oziroma mešani finančni holding svoji podrejeni zavarovalnici s sedežem v državi članici posreduje vse informacije, ki jih ta potrebuje za izpolnitev obveznosti na ravni skupine oziroma za namene nadzora skupine.

(3) Če nadrejeni zavarovalni holding oziroma mešani finančni holding zavarovalnici ne posreduje informacij iz prejšnjega odstavka, zavarovalnica o tem takoj obvestiti Agencijo za zavarovalni nadzor.

Article 361
(Provisions applicable to supervision at group level)

(1) Supervision at group level shall be conducted at the level of the ultimate parent company in the EU pursuant to Articles 362 to 403 of this Act.

(2) For group supervision at the level of the Republic of Slovenia, Articles 362, 372, paragraph one of Article 373, 374, 376 to 400, 402, and 403 of this Act shall apply *mutatis mutandis*. The scope of individual supervision shall be determined by the Insurance Supervision Agency.

(3) The provisions of this Act on the rules for the supervision of individual insurance undertakings shall apply to individual insurance undertakings within the group, unless otherwise provided in this Chapter.

Article 362
(Obligations of insurance undertakings, parent insurance holding company and parent mixed financial holding company regarding supervision at group level)

(1) Insurance undertakings in a group of insurance undertakings shall provide to the insurance holding company or a mixed financial holding company all information required to fulfil its obligations at group level or at subgroup level or for the purposes of group supervision.

(2) A parent insurance or mixed financial holding company shall provide all information to its subsidiary insurance undertaking with head office in a Member State which the subsidiary requires to fulfil its obligation at group level or for the purposes of group supervision.

(3) If a parent insurance holding company or a mixed financial holding company fails to provide the information referred to in the preceding paragraph to an insurance undertaking, the insurance undertaking shall immediately inform the Insurance Supervision Agency.

(4) Zavarovalnica, zavarovalni holding, mešani finančni holding in druga družba v skupini Agenciji za zavarovalni nadzor oziroma drugemu nadzornemu organu, pristojnemu in odgovornemu za nadzor na ravni skupine, omogoči dostop do kakršnihkoli podatkov, ki so pomembni za namene nadzora in opravljanje pregledov poslovanja za namene opravljanja nadzora na ravni skupine.

(5) Za redno poročanje na ravni skupine se uporablja 293. člen tega zakona.

(6) Nadzorni organ, pristojen za nadzor na ravni skupine, lahko na ravni skupine omeji redno poročanje, ki je pogostejše kakor enkrat letno, kadar imajo vse zavarovalnice ali pozavarovalnice v skupini korist od omejitve v skladu z drugim do petim odstavkom 284. člena tega zakona, ob upoštevanju vrste, obsega in zahtevnosti tveganj, ki so del poslov v skupini.

(7) Nadzorni organ, pristojen za nadzor na ravni skupine, lahko na ravni skupine omeji redno poročanje po posameznih postavkah, kadar imajo vse zavarovalnice ali pozavarovalnice v skupini korist od omejitve v skladu s šestim do devetim odstavkom 284. člena tega zakona, ob upoštevanju vrste, obsega in zahtevnosti tveganj, ki so del poslov v skupini.

(8) Prvi do peti odstavek tega člena se uporabljajo tudi, če zavarovalnica, zavarovalni holding oziroma mešani finančni holding, pri katerem se izvaja nadzor na ravni skupine, nima sedeža v Republiki Sloveniji.

(9) Družba, ki je podrejena zavarovalnici, zavarovalnemu holdingu ali mešanemu finančnemu holdingu, vendar ni vključena v nadzor na ravni skupine ali nadzor skupine na ravni Republike Slovenije te zavarovalnice, zavarovalnega holdinga oziroma mešanega finančnega holdinga, nadzornemu organu, pristojnemu za nadzor na ravni skupine te zavarovalnice, zavarovalnega holdinga oziroma mešanega finančnega holdinga:

1. na njegovo zahtevo posreduje vse informacije, potrebne za nadzor posameznih zavarovalnic v skupini, in
2. omogoči, da opravi pregled poslovanja zaradi preveritve informacij iz

(4) An insurance undertaking, an insurance holding company, a mixed financial holding company and another company in the group shall enable the Insurance Supervision Agency or another supervisory authority competent and responsible for supervision at group level access to any information relevant for the purposes of supervision and conducting reviews of business needed to conduct supervision at group level.

(5) For regular reporting at group level, Article 293 of this Act shall apply.

(6) The supervisory authority responsible for supervision at group level may limit regular reporting at group level more frequently than once a year, when all insurance or reinsurance undertakings in the group benefit from the limitation in accordance with paragraphs two to five of Article 284 of this Act, taking into account the nature, scale and complexity of the risks inherent in the group's business.

(7) The supervisory authority responsible for supervision at group level may limit regular reporting on an item-by-item basis at group level, when all insurance or reinsurance undertakings in the group benefit from the limitation in accordance with paragraphs six to nine of Article 284 of this Act, taking into account the nature, scale and complexity of the risks inherent in the group's business.

(8) Paragraphs one to five of this Article shall also apply if an insurance undertaking, an insurance holding company, or a mixed financial holding company where the supervision at group level is conducted does not have its head office in the Republic of Slovenia.

(9) A subsidiary of an insurance undertaking, an insurance holding company or a mixed financial holding company which is not included in supervision at group level or in group supervision at the level of the Republic of Slovenia of this insurance undertaking, insurance holding company or mixed financial holding company, shall provide to the supervisory authority competent for the supervision at group level of this insurance undertaking, insurance holding company, or mixed financial holding company:

1. at its request all information required for the supervision of individual insurance undertakings in the group, and
2. allow the review of business in order to verify information referred to

1. točke tega odstavka.

(10) Če je družba iz prejšnjega odstavka kreditna institucija ali investicijsko podjetje, se pridobivanje oziroma preverjanje informacij lahko opravi tudi po postopku sodelovanja med nadzornimi organi iz 372. člena tega zakona.

(11) Če ima družba iz devetega odstavka tega člena sedež v drugi državi članici, se pregled poslovanja iz 2. točke devetega odstavka tega člena lahko opravi tudi na način iz 373. člena tega zakona.

363. člen
(naloge nadzornika skupine)

(1) Agencija za zavarovalni nadzor kot nadzornik skupine opravlja naslednje naloge:

1. usklajuje zbiranje in posredovanje ustreznih in nujnih informacij in podatkov med nadzornimi organi, vključenimi v nadzor na ravni skupine v času rednega poslovanja in v izrednih finančnih razmerah;

2. načrtuje in usklajuje izvajanje nadzora v času rednega poslovanja in izrednih finančnih razmer z drugimi nadzornimi organi, vključenimi v nadzor na ravni skupine;

3. opravlja nadzorni pregled in oceno finančnega stanja skupine;

4. nadzira skladnost skupine s pravili glede sistema upravljanja oziroma vodenja in sistema poročanja;
5. nadzira skladnost skupine s pravili glede solventnosti, koncentracije tveganja in transakcij znotraj skupine;
6. nadzira, ali člani uprave in nadzornega sveta udeležene zavarovalnice izpolnjujejo pravila iz 2.5.2. oziroma 2.5.3. pododdelka tega zakona oziroma poslovodstvo zavarovalnega holdinga pogoje iz 375. člena tega zakona;

7. sprejema druge ukrepe in odločitve na podlagi tega zakona, kot je zlasti voditi postopek preverjanja ustreznosti morebitnega notranjega modela za izračun zahtevanega solventnostnega kapitala na ravni skupine.

in point 1 of this paragraph.

(10) If a company referred to in the preceding paragraph is a credit institution or an investment firm, the information may also be obtained and verified according to the cooperation procedure among the competent authorities referred to in Article 372 of this Act.

(11) If a company referred to in paragraph nine of this Article has its head office in another Member State, the review of business referred to in to point 2 of paragraph nine of this Article may be also conducted in the manner pursuant to Article 373 of this Act.

Article 363
(Tasks of the group supervisor)

(1) The Insurance Supervision Agency as the group supervisor shall perform the following tasks:

1. coordinate the gathering and dissemination of relevant and essential information and data among the supervisory authorities involved in supervision at group level during the ordinary course of business and in extraordinary financial conditions;
2. plan and coordinate the performance of supervision during the ordinary course of business and in extraordinary financial conditions with other supervisory authorities involved in supervision at group level;
3. conduct supervisory reviews and the assessment of the financial situation of the group;
4. supervise the compliance of the group with the rules on governance system and reporting systems;
5. supervise the compliance of the group with the rules on solvency, risk concentration and intra-group transactions;
6. supervise whether the members of the management board and supervisory board of the participating insurance undertaking comply with the rules referred to in Subsection 2.5.2 or 2.5.3 of this Act or if the management of the insurance holding company complies with the conditions referred to in Article 375 of this Act;
7. adopt other measures and decisions based on this Act, such as conducting the procedure for verifying the adequacy of a possible internal model for calculating the solvency capital requirement at group level.

(2) Za namen izvajanja 2. točke prejšnjega odstavka Agencija za zavarovalni nadzor najmanj enkrat letno skliče sestanek z nadzornimi organi, vključenimi v nadzor na ravni skupine.

364. člen
(kolegij)

(1) Če je Agencija za zavarovalni nadzor pristojna in odgovorna za nadzor na ravni skupine, na podlagi pisnega dogovora o usklajevanju in sodelovanju iz 365. člena tega zakona ustanovi kolegij. Za delovanje kolegija se upoštevajo določbe tega zakona in določbe regulativnih tehničnih standardov, ki jih izda Evropska komisija na podlagi šestega odstavka 248. člena Direktive 2009/138/ES.

(2) V kolegiju sodelujejo nadzorni organi, odgovorni za nadzor končne nadrejene družbe na ravni EU in njenih podrejenih družb ter EIOPA (v nadaljnjem besedilu: člani kolegija). V okviru učinkovite izmenjave informacij lahko v kolegiju sodelujejo tudi drugi nadzorni organi, v skladu z regulativnimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi sedmega odstavka 248. člena Direktive 2009/138/ES.

(3) Agencija za zavarovalni nadzor lahko za učinkovito delovanje kolegija določi, da nekatere dejavnosti znotraj kolegija opravlja manjše število nadzornih organov znotraj kolegija.

(4) Kolegij zagotavlja okvir za:
1. izmenjavo informacij,
2. določanje načrta pregledov poslovanja družb v skupini na podlagi ocene tveganosti te skupine,
3. preprečevanje in odpravljanje podvajanja nadzorniških zahtev, vključno z zahtevami po informacijah iz 368. člena tega zakona z namenom povečevanja učinkovitosti nadzora,
4. dosledno uporabo zahtev glede varnega in skrbnega poslovanja oseb v zavarovalni skupini, brez poseganja v opcije in diskrecije, ki izhajajo

(2) For the purpose of carrying out point 2 of the preceding paragraph, the Insurance Supervision Agency shall hold a meeting with the supervisory authorities involved in supervision at group level at least once annually.

Article 364
(College)

(1) If the Insurance Supervision Agency is competent and responsible for supervision at group level, it shall establish a college on the basis of a written agreement on coordination and cooperation referred to in Article 365 of this Act. With regard to the operation of the college, the provisions of this Act and the provisions of regulatory technical standards issued by the European Commission pursuant to Article 248(6) of Directive 2009/138/EC shall apply.

(2) The college shall include supervisory authorities responsible for the supervision of the ultimate parent company at EU level and its subsidiaries and EIOPA (hereinafter: members of the college). Other supervisory authorities may also participate at the college for the purpose of effective exchange of information in accordance with regulatory technical standards issued by the European Commission pursuant to Article 248(7) of Directive 2009/138/EC.

(3) The Insurance Supervision Agency may for the purpose of effective functioning of the college determine that some activities within the college be performed by a smaller number of supervisory authorities of the college.

(4) The college shall provide the framework for:
1. exchanging of information,
2. drafting the plan for conducting reviews of business of companies in the group based on this group’s risk assessment,
3. preventing and eliminating the duplication of supervisory requirements, including requirements to provide information referred to in Article 368 of this Act for the purpose of increasing the effectiveness of supervision,
4. the consistent use of requirements related to the safe and diligent operation of persons in the insurance group, without interfering with

iz zakonodaje EU, in
5. izvajanje nadzora v izrednih finančnih razmerah ob upoštevanju dela drugih forumov, ki bi lahko bili ustanovljeni za ta namen.

(5) Kolegij vodi Agencija za zavarovalni nadzor. Agencija za zavarovalni nadzor v zvezi s tem izvaja zlasti naslednje naloge:

1. odloča o udeležbi nadzornih organov iz drugega odstavka tega člena na posameznem sestanku in pri dejavnostih kolegija;

2. obvešča člane kolegija in druge nadzorne organe iz drugega odstavka tega člena o sestankih in pomembnejših zadevah, ki bodo obravnavane, ter o odločitvah, sprejetih na sestankih kolegija, in o izvedenih aktivnostih;
3. obvešča EIOPA o dejavnosti kolegija, tudi v izrednih finančnih razmerah, ter mu posreduje informacije, pomembne za približevanje nadzorniških praks.

(6) Če je za ustanovitev kolegija pristojen nadzorni organ druge države članice, Agencija za zavarovalni nadzor sodeluje v tem kolegiju na podlagi dogovora o usklajevanju in sodelovanju med člani kolegija, ki je sklenjen v skladu s 365. členom tega zakona.

(7) Ustanovitev in delovanje kolegija ne vplivata na pristojnosti in odgovornosti Agencije za zavarovalni nadzor po tem zakonu.

(8) Agencija za zavarovalni nadzor lahko v primeru, če nadzorni organ, pristojen za nadzor na ravni skupine, ne opravlja nalog nadzora skupine ali če član kolegija v kolegiju ne sodeluje v zadostni meri, v skladu z 19. členom Uredbe 1094/2010 zahteva pomoč EIOPA.

365. člen
(dogovor o usklajevanju in sodelovanju med člani kolegija)

(1) Z namenom zagotoviti učinkovito oblikovanje in delovanje

options and discretion arising from European legislation, and
5. conducting supervision in extraordinary financial conditions, while taking into account the activities of other forums which could be established for this purpose.

(5) The Insurance Supervision Agency shall manage the college. The Insurance Supervision Agency shall to this end conduct the following tasks in particular:
1. take decisions regarding the participation of supervisory authorities referred to in paragraph two of this Article at each meeting and regarding the activities of the college;
2. notify members of the college and other supervisory authorities referred to in paragraph two of this Article concerning meetings and important issues which are to be discussed and concerning decisions adopted at college meetings, and on conducted activities;
3. notify EIOPA on the activities of the college, including in extraordinary financial circumstances, and shall also provide it with information relevant for the convergence of supervisory practices.

(6) If a supervisory authority of a different Member State is competent for the establishment of the college, the Insurance Supervision Agency shall participate in this college on the basis of an agreement on coordination and cooperation among members of the college concluded in accordance with Article 365 of this Act.

(7) The establishment and operation of the college shall not have any effect on the competences and responsibilities of the Insurance Supervision Agency under this Act.

(8) In the case where a supervisory authority competent for supervision at group level, fails to conduct group supervision or a member of the college fails to cooperate in the college to the extent required, the Insurance Supervision Agency may request the assistance of EIOPA pursuant to Article 19 of Regulation 1094/2010.

Article 365
(Agreement on coordination and cooperation among members of college)

(1) In order to ensure the effective establishment and operation

kolegija Agencija za zavarovalni nadzor z drugimi člani kolegija sklene ustrezne pisne dogovore o usklajevanju in sodelovanju. Dogovor o usklajevanju in sodelovanju je skladen z določbami tega člena in regulativnimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi sedmega odstavka 248. člena Direktive 2009/138/ES.

(2) Z dogovori iz prejšnjega odstavka se določijo postopki za sprejemanje odločitev ter za posvetovanje in sodelovanje v okviru kolegija.

(3) Dogovor o usklajevanju in sodelovanju lahko določa tudi dodatne naloge nadzornika skupine ali drugih članov kolegija, če to vodi k večji učinkovitosti nadzora in ne posega v pristojnosti Agencije za zavarovalni nadzor po tem zakonu ter ne ogroža nadzornih dejavnosti drugih članov kolegija, kar zadeva njihove individualne odgovornosti.

(4) Dogovor o usklajevanju in sodelovanju določa najmanj postopke za:
1. sprejem notranjih modelov skupine za izračun zahtevanega solventnostnega kapitala,
2. določitev kapitalskega dodatka na ravni skupine,
3. določitev nadzornika skupine v skladu s prvim odstavkom 357. člena tega zakona,
4. posvetovanje članov kolegija glede dogovora o usklajevanju in sodelovanju ter
5. posvetovanje glede ukrepov v primeru kršitve zahtevanega solventnostnega kapitala na ravni skupine.

(5) V primeru kolegija Agencija za zavarovalni nadzor kot nadzornik skupine sprejme končno odločitev o dogovoru o usklajevanju in sodelovanju.

(6) Če se mnenje Agencije za zavarovalni nadzor glede dogovora o usklajevanju in sodelovanju razlikuje od mnenja drugih članov kolegija, lahko Agencija za zavarovalni nadzor ali član kolegija preda zadevo, v skladu z 19. členom Uredbe 1094/2010, EIOPA.

(7) Če je član kolegija ali Agencija za zavarovalni nadzor

of the college, the Insurance Supervision Agency shall enter into appropriate written agreements on coordination and cooperation with other members of the college. The agreement on coordination and cooperation shall be consistent with the provisions of this Act and the provisions of regulatory technical standards issued by the European Commission pursuant to Article 248(7) of Directive 2009/138/EC.

(2) The agreements referred to in the preceding paragraph shall determine the procedures for adopting decisions and for consultation and cooperation within the college.

(3) An agreement on coordination and cooperation may also determine additional tasks of the group supervisor or other member of college, where this would result in the more efficient supervision and does not interfere with the competences of the Insurance Supervision Agency under this Act and does not impair the supervisory activities of other members of the college in respect of their individual responsibilities.

(4) The agreement on coordination and cooperation shall determine at least the procedures for:
1. approval of the internal models of a group to calculate the solvency capital requirement,
2. determining the capital add-on at group level,
3. determining the group supervisor pursuant to paragraph one of Article 357 of this Act,
4. consultations among the members of the college regarding the agreement on coordination and cooperation, and
5. consultations on measures in the event of a violation of the solvency capital requirement at group level.

(5) The Insurance Supervision Agency, as the group supervisor, shall adopt the final decision on the agreement on coordination and cooperation.

(6) If the opinion of the Insurance Supervision Agency regarding the agreement on coordination and cooperation diverges from the opinion of other members of the college, the Insurance Supervision Agency or a member of the college may refer the matter to EIOPA pursuant to Article 19 of Regulation 1094/2010.

(7) If a member of the college or the Insurance Supervision

zadevo glede pisnega dogovora o usklajevanju in sodelovanju iz prejšnjega člena predal EIOPA, Agencija za zavarovalni nadzor odločitev iz petega odstavka tega člena odloži in jo sprejme v skladu z odločitvijo EIOPA.

(8) Odločitev iz petega odstavka tega člena Agencija za zavarovalni nadzor vroči vsem članom kolegija.

366. člen
(določbe, ki se uporabljajo za odločitev o dovoljenju za uporabo in spreminjanje notranjega modela skupine)

Za odločitev o dovoljenju in spreminjanju notranjega modela skupine se uporabljajo določbe 367. člena tega zakona in aktov, ki jih za izda Evropska komisija na podlagi 234. člena Direktive 2009/138/ES.

367. člen
(sodelovanje z drugimi nadzornimi organi pri odločitvi o zahtevi za uporabo notranjega modela skupine)

(1) Če je Agencija za zavarovalni nadzor pristojna in odgovorna za nadzor na ravni skupine, izda Agencija za zavarovalni nadzor dovoljenja za:

1. izračun konsolidiranega zahtevanega solventnostnega kapitala skupine ali
2. izračun zahtevanega solventnostnega kapitala zavarovalnice v skupini na podlagi notranjega modela, ki so jo skupaj vložile udeležena družba in družbe, v katerih je ta družba udeležena.

(2) Agencija za zavarovalni nadzor zahtevo za izdajo dovoljenja iz prejšnjega odstavka nemudoma posreduje drugim nadzornim organom, pristojnim za nadzor družb, ki so vložile navedeno zahtevo, in EIOPA. Agencija sodeluje pri odločanju o tem, ali naj izda dovoljenje in pod katerimi pogoji naj ga izda, z drugimi nadzornimi organi držav članic sedeža drugih družb, vključenih v to skupino.

Agency has referred the matter relating to the written agreement on coordination and cooperation referred to in the preceding paragraph to EIOPA, the Insurance Supervision Agency shall suspend the decision referred to in paragraph five of this Article and adopt it in conformity with EIOPA's decision.

(8) The decision referred to in paragraph five of this Article shall be served upon all members of the college by the Insurance Supervision Agency.

Article 366
(Provisions applicable to decisions on authorisation to use and modify the group internal model)

For the decision on the authorisation to use and modify the group internal model, the provisions of Article 367 of this Act and acts issued by the European Commission pursuant to Article 234 of Directive 2009/138/EC shall apply.

Article 367
(Cooperation with other supervisory authorities in reaching a decision on an application for the use of the group internal model)

(1) If the Insurance Supervision Agency is competent and responsible for supervision at group level, it shall issue authorisations for:

1. the calculation of the consolidated group solvency capital requirement or
2. the calculation of the solvency capital requirement of an insurance undertaking in the group on the basis of an internal model submitted jointly by the participating company and the companies in which this company has a participating share.

(2) The Insurance Supervision Agency shall forward immediately the application referred to in the preceding paragraph to other supervisory authorities competent for the supervision of the companies that submitted this application, and to EIOPA. The Agency shall cooperate in reaching a decision whether to issue the authorisation and under which conditions, with other supervisory authorities of Member States with the

(3) Agencija za zavarovalni nadzor lahko na podlagi točke b prvega odstavka 8. člena Uredbe 1094/2010 zaprosi EIOPA za tehnično pomoč v postopku odločitve o zahtevi za izdajo dovoljenja za izračun konsolidiranega zahtevanega solventnostnega kapitala skupine ali zahtevanega solventnostnega kapitala zavarovalnice v skupini z notranjim modelom.

(4) Agencija za zavarovalni nadzor si skupaj z drugimi nadzornimi organi prizadeva, da bi bila odločitev o zahtevi za izdajo dovoljenja za izračun konsolidiranega zahtevanega solventnostnega kapitala skupine kot tudi za izračun zahtevanega solventnostnega kapitala zavarovalnice v skupini z notranjim modelom sprejeta v šestih mesecih od prejema popolne vloge od nadzornika skupine.

(5) Agencija za zavarovalni nadzor v petih mesecih od vložitve zahteve iz prvega odstavka tega člena nadzornim organom, pristojnim za nadzor družb, ki so vložile navedeno zahtevo, posreduje predlog odločitve.

(6) Če nadzorni organi glede zahteve iz prvega odstavka tega člena dosežejo skupno odločitev iz tretjega odstavka tega člena, Agencija za zavarovalni nadzor skupno odločitev posreduje vsem vložnicam zahteve.

(7) Če v obdobju iz tretjega odstavka tega člena skupna odločitev nadzornih organov o zahtevi iz prvega odstavka tega člena ni sprejeta, Agencija za zavarovalni nadzor sama sprejme odločitev, pri čemer pretehta mnenje drugih nadzornih organov, pristojnih za nadzor družb, ki so vložile zahtevo iz prvega odstavka tega člena. Obrazložitev te odločitve posreduje Agencija za zavarovalni nadzor vložnicam zahteve.

(8) V roku iz tretjega odstavka tega člena lahko Agencija za zavarovalni nadzor v skladu z 19. členom Uredbe 1094/2010 preda zadevo glede zahteve za izdajo dovoljenja za izračun konsolidiranega zahtevanega solventnostnega kapitala skupine oziroma izračun

head offices of other companies in the group.

(3) Pursuant to point b of paragraph one of Article 8 of Regulation (EU) No 1094/2010, the Insurance Supervision Agency may request EIOPA for technical assistance in the procedure of deciding on the application for authorisation to calculate the consolidated solvency capital requirement of the group or the solvency capital requirement of an insurance undertaking within the group with an internal model.

(4) Together with other supervisory authorities, the Insurance Supervision Agency shall strive to reach the decision on the application for an authorisation to calculate the consolidated group solvency capital requirement as well as to calculate the solvency capital requirement of the insurance undertaking in the group using the internal model within six months of the date of receipt of a complete application from the group supervisor.

(5) The Insurance Supervision Agency shall within five months of the date of receipt of the application referred to in paragraph one of this Article provide the proposed decision to the supervisory authorities competent for the supervision of the companies that submitted the application.

(6) If the supervisory authorities regarding the matter referred to in paragraph one of this Article reach a joint decision referred to in paragraph three of this Article, the Insurance Supervision Agency shall forward the joint decision to all the applicants.

(7) In the absence of the adoption of a joint decision of the supervisory authorities on the matter referred to in paragraph one of this Article within the period referred to in paragraph three of this Article, the Insurance Supervision Agency shall adopt its own decision, duly taking into account the opinions of other supervisory authorities competent for the supervision of the companies that submitted the application referred to in paragraph one of this Article. The substantiations of the decision shall be forwarded by the Insurance Supervision Agency to the applicants.

(8) Within the period referred to in paragraph three of this Article, the Insurance Supervision Agency may submit the matter regarding the application for authorisation for the calculation of the group consolidated solvency capital or for the calculation of the solvency capital

zahtevanega solventnostnega kapitala zavarovalnice v skupini z notranjim modelom EIOPA.

(9) V primeru, ko Agencija za zavarovalni nadzor ali drug nadzorni organ, pristojen za nadzor družb, ki so vložile zahtevo iz prvega odstavka tega člena, zadevo glede zahteve iz prvega odstavka tega člena preda EIOPA, je treba o tem obvestiti vse nadzorne organe, pristojne za nadzor družb, ki so vložile zahtevo. Obdobje iz tretjega odstavka tega člena se podaljša za en mesec, končna odločitev Agencije za zavarovalni nadzor pa je skladna z odločitvijo EIOPA.

(10) Če EIOPA v skladu z osmim in devetim odstavkom tega člena ne sprejme odločitve glede zahteve iz prvega odstavka tega člena in v skladu s tretjim odstavkom 19. člena Uredbe št. 1094/2010, odločitev sprejme Agencija za zavarovalni nadzor.

(11) Odločitev iz šestega odstavka tega člena Agencija za zavarovalni nadzor vroči tudi nadzornim organom, pristojnim za nadzor družb, ki so vložile zahtevo iz prvega odstavka tega člena.

(12) Če je za nadzor na ravni skupine pristojen nadzorni organ druge države članice in je ta organ sprejel odločitev o zahtevi za izdajo dovoljenja za izračun konsolidiranega zahtevanega solventnostnega kapitala zavarovalnice v skupini na podlagi notranjega modela oziroma za izračun zahtevanega solventnostnega kapitala zavarovalnice v skupini, Agencija za zavarovalni nadzor po uradni dolžnosti podrejeni zavarovalnici izda dovoljenje z vsebino odločitve tega nadzornega organa. Prvi stavek tega odstavka se uporablja tudi v primeru, ko Agencija za zavarovalni nadzor izvaja nadzor skupine na ravni Republike Slovenije.

(13) Agencija za zavarovalni nadzor izda podrejeni zavarovalnici dovoljenje iz prejšnjega odstavka, ko podrejena zavarovalnica izpolni vse zahteve, ki izhajajo iz vsebine odločitve nadzornega organa države članice iz prejšnjega odstavka.

requirement of the insurance undertaking in the group using the internal model to EIOPA in accordance with Article 19 of Regulation 1094/2010.

(9) In the case where the Insurance Supervision Agency, or any other supervisory authority competent for the supervision of the companies that submitted the application pursuant to paragraph one of this Article, submits the matter regarding the application referred to in paragraph one of this Article to EIOPA, all supervisory authorities competent for the supervision of the companies that submitted this application shall be notified accordingly. The period referred to in paragraph three of this Article shall be extended by one month, and the final decision of the Insurance Supervision Agency shall be in conformity with EIOPA's decision.

(10) If EIOPA does not take a decision on the requirement referred to in paragraph one of this Article in accordance with paragraphs eight and nine of this Article and in accordance with paragraph three of Article 19 of Regulation (EU) No 1094/2010, the decision shall be taken by the Insurance Supervision Agency.

(11) The decision referred to in paragraph 6 of this Article shall also be served by the Insurance Supervision Agency upon the supervisory authorities competent for the supervision of the companies that submitted the application referred to in paragraph one of this Article.

(12) If a supervisory authority of another Member State is competent for supervision at group level and adopts a decision on the application for authorisation for the calculation of the group consolidated solvency capital requirement of an insurance undertaking based on an internal model or for the calculation of the group solvency capital requirement of an insurance undertaking, the Insurance Supervision Agency shall, on an *ex officio* basis, issue authorisation with the content of the decision of this supervisory authority to the subsidiary insurance undertaking. The first sentence of this paragraph shall also apply if the Insurance Supervision Agency carries out supervision of the group at the level of the Republic of Slovenia.

(13) The Insurance Supervision Agency shall issue to the subsidiary insurance undertaking the authorisation referred to in the preceding paragraph when the subsidiary insurance undertaking fulfils all the requirements pursuant to the decision reached by the supervisory

(14) Če Agencija za zavarovalni nadzor meni, da tveganja podrejene zavarovalnice znatno odstopajo od predpostavk, na katerih temelji notranji model, odobren na ravni skupine, lahko tej zavarovalnici naloži kapitalski dodatek v skladu s 309. členom tega zakona. V izjemnih okoliščinah, če kapitalski dodatek ni zadosten za varno poslovanje zavarovalnice, lahko Agencija za zavarovalni nadzor tej zavarovalnici naloži izračun zahtevanega solventnostnega kapitala s standardno formulo in kapitalski dodatek, izračunan na podlagi standardne formule.

368. člen
(sodelovanje in izmenjava informacij med nadzornimi organi držav članic pri nadzoru na ravni skupine)

(1) Če je Agencija za zavarovalni nadzor nadzornik skupine, nadzornim organom drugih držav članic, ki so odgovorni za nadzor posameznih zavarovalnic v skupini, in EIOPA:

1. zagotovi vse pomembne informacije,
2. sistematično zbira in posreduje informacije v skladu z regulativnimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi tretjega odstavka 249. člena Direktive 2009/138/ES,
3. posreduje informacije v skladu z izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi četrtega odstavka 249. člena Direktive 2009/138/ES.

(2) Pomembne informacije iz prejšnjega odstavka obsegajo zlasti poročilo o solventnosti in finančnem položaju skupine ter vse druge podatke, pomembne za opravljanje nadzora na ravni skupine, predvsem:

1. o pravni in organizacijski strukturi skupine, o vseh zavarovalnicah v skupini in drugih tesnih povezanostih,

2. o postopkih zbiranja informacij od zavarovalnic v skupini in preverjanja pravilnosti teh informacij,

3. o dogajanjih v zavarovalnici ali drugih osebah v skupini, ki lahko

authority of a Member State referred to in the preceding paragraph.

(14) If the Insurance Supervision Agency considers that the risks of the subsidiary insurance undertaking deviate significantly from the assumptions underlying the internal model approved at group level, it may impose on this insurance undertaking a capital add-on pursuant to Article 309 of this Act. In exceptional circumstances, where such capital add-on would not be sufficient for the safe conducting of business of the insurance undertaking, the Insurance Supervision Agency may impose on this insurance undertaking the calculation of the solvency capital requirement by applying the standard formula and a capital add-on calculated by applying the standard formula.

Article 368
(Cooperation and exchange of information between supervisory authorities of Member States concerning supervision at group level)

(1) If the Insurance Supervision Agency is the group supervisor, it shall, for the supervisory authorities of other Member States which are responsible for supervising individual insurance undertakings in the group and to EIOPA:
1. make available all relevant information,
2. systematically gather and disseminate information pursuant to regulatory technical standards issued by the European Commission based on Article 249(3) of Directive 2009/138/EC,
3. provide information in accordance with implementing technical standards issued by the European Commission pursuant to Article 249(4) of Directive 2009/138/EC.

(2) The relevant information referred to in the preceding paragraph shall include in particular a solvency and financial condition report for the group and all other data important for conducting supervision at group level, in particular:
1. regarding the legal and organisational structure of the group, regarding all insurance undertakings in the group and other close links,
2. regarding the procedures for collecting information from the insurance undertakings in the group and verifying the accuracy of this information,
3. regarding events in an insurance undertaking or other persons in the

resno vplivajo na druge zavarovalnice v skupini,

4. o pomembnih ukrepih, ki jih je Agencija za zavarovalni nadzor izrekla zavarovalnici.

(3) Če je Agencija za zavarovalni nadzor odgovorna za nadzor zavarovalnice v skupini, nadzornim organom drugih držav članic, ki so odgovorni za nadzor posameznih zavarovalnic v skupini, in nadzorniku skupine:

1. zagotovi vse pomembne informacije, zlasti podatke iz 2. do 4. točke prejšnjega odstavka, ki se nanašajo na zavarovalnico;

2. sistematično zbira in posreduje informacije v skladu z regulativnimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi tretjega odstavka 249. člena Direktive 2009/138/ES;
3. posreduje informacije v skladu z izvedbenimi tehničnimi standardi, ki jih izda Evropska komisija na podlagi četrtega odstavka 249. člena Direktive 2009/138/ES.

(4) Če Agencija za zavarovalni nadzor od nadzornika skupine, katere del je zavarovalnica, ali nadzornika zavarovalnice države članice, ki je del skupine, ne prejme pomembnih informacij iz prvega odstavka tega člena, lahko v skladu z 19. členom Uredbe 1094/2010 preda zadevo EIOPA.

369. člen
(sodelovanje in izmenjava informacij med nadzornimi organi držav članic v primeru finančnih težav skupine)

(1) Če znotraj skupine, za katero je Agencija za zavarovalni nadzor nadzornik skupine, nastopijo finančne težave, Agencija za zavarovalni nadzor takoj, ko je to mogoče, posreduje obvestilo in informacije o tem nadzornim organom držav članic, ki so odgovorni za nadzor posameznih zavarovalnic v skupini.

(2) Zaradi preprečitve podvajanja Agencija za zavarovalni

group which could materially affect other insurance undertakings in the group,
4. regarding significant measures imposed by the Insurance Supervision Agency on the insurance undertaking.

(3) If the Insurance Supervision Agency is responsible for the supervision of an insurance undertaking in the group, it shall, for the supervisory authorities of other Member States that are responsible for the supervision of individual insurance undertakings in the group, and for the group supervisor:
1. make available all relevant information, in particular data referred to in points 2 to 4 of the preceding paragraph which relate to the insurance undertaking;
2. systematically gather and disseminate information pursuant to regulatory technical standards issued by the European Commission based on Article 249(3) of Directive 2009/138/EC;
3. provide information in accordance with implementing technical standards issued by the European Commission pursuant to Article 249(4) of Directive 2009/138/EC.

(4) If the Insurance Supervision Agency does not receive from the group supervisor supervising the group of which the insurance undertaking is a part, or from the supervisor of an insurance undertaking of a Member State that is a part of the group, the relevant information referred to in paragraph one of this Article, it may refer the matter to EIOPA pursuant to Article 19 of Regulation 1094/2010.

Article 369
(Cooperation and exchange of information between supervisory authorities of Member States in the case of financial difficulties of a group)

(1) If within a group supervised as group supervisor by the Insurance Supervision Agency financial difficulties arise, the Insurance Supervision Agency shall, as soon as possible, provide notification and information on this to the supervisory authorities of Member States which are responsible for the supervision of individual insurance undertakings in the group.

(2) For the avoidance of duplication, the Insurance Supervision

nadzor obvestila iz prejšnjega odstavka ne posreduje nadzornim organom držav članic, ki so pristojni za nadzor posameznih zavarovalnic v skupini, če jim je obvestilo z identično vsebino že posredoval nadzorni organ druge države članice.

(3) Če je za nadzor skupine pristojen nadzorni organ druge države članice, Agencija za zavarovalni nadzor ob nastopu finančnih težav v zavarovalnici, zavarovalnem holdingu ali mešanemu finančnemu holdingu s sedežem v Republiki Sloveniji, ki je del skupine, takoj, ko je to mogoče, o tem obvesti nadzornika skupine in nadzorne organe drugih držav članic, ki so odgovorni za nadzor posameznih zavarovalnic v skupini.

(4) Obvestilo iz prvega in tretjega odstavka tega člena vključuje tudi informacije o ukrepih zavarovalnice, zavarovalnega holdinga oziroma mešanega finančnega holdinga s sedežem v Republiki Sloveniji, ki je del skupine in posameznih nadzornih organov.

(5) Agencija za zavarovalni nadzor zahteva sestanek vseh zadevnih nadzornih organov, ki sodelujejo pri nadzoru skupine, če:
1. ugotovi pomembno kršitev zahtevanega solventnostnega kapitala ali kršitev minimalnega zahtevanega kapitala zavarovalnice v skupini,
2. ugotovi pomembno kršitev zahtevanega solventnostnega kapitala na ravni skupine,
3. je v skupini ali zavarovalnici, ki je del skupine, prišlo do drugih izrednih razmer.

370. člen
(posvetovanje nadzornih organov, vključenih v nadzor na ravni skupine)

(1) Agencija za zavarovalni nadzor se pred posamezno odločitvijo, ki je pomembna tudi za opravljanje nalog nadzora drugih nadzornih organov, s temi nadzornimi organi v okviru kolegija posvetuje o:

1. spremembah delničarske strukture oziroma organizacijske ali

Agency shall not provide to supervisory authorities of Member States that are competent for the supervision of individual insurance undertakings in the group the notification referred to in the preceding paragraph, if notification with equal content has already been provided by a supervisory authority of a different Member State.

(3) If a supervisory authority of a different Member State is competent for the supervision of the group, the Insurance Supervision Agency shall, when an insurance undertaking, an insurance holding company, or a mixed financial holding company with its head office in the Republic of Slovenia, which is part of the group, encounter financial difficulties, notify the group supervisor and the supervisory authorities of other Member States that are responsible for supervising individual insurance undertakings in the group.

(4) The notification pursuant to paragraphs one and three of this Article shall also include information on the measures of an insurance undertaking, an insurance holding company, or a mixed financial holding company with its head office in the Republic of Slovenia which is a part of the group, and of individual supervisory authorities.

(5) The Insurance Supervision Agency shall call a meeting of all relevant supervisory authorities involved in group supervision if:
1. it identifies a significant violation of the solvency capital requirement or a violation of the minimum solvency capital requirement of an insurance undertaking in the group,
2. it identifies a significant violation of the solvency capital requirement at group level,
3. other exceptional circumstances have occurred in the group or an insurance undertaking which is part of the group.

Article 370
(Consultation between supervisory authorities involved in supervision at group level)

(1) The Insurance Supervision Agency shall, before each decision that is important also for the conducting of supervision tasks of other supervisory authorities, consult with these supervisory authorities in the college on:

1. any changes in the shareholder structure or the organisational or

upravljavske sestave zavarovalnice v skupini, za katere je potrebno dovoljenje nadzornega organa;
2. pomembnih ukrepih, ki jih namerava izreči zavarovalnici, vključno z zahtevo za kapitalski dodatek iz 309. člena tega zakona, o vsakršni omejitvi uporabe notranjega modela za izračun zahtevanega solventnostnega kapitala ter o odločitvi o podaljšanju sanacijskega roka iz četrtega in šestega odstavka 249. člena tega zakona.

(2) V primerih iz 2. točke prejšnjega odstavka se Agencija za zavarovalni nadzor vedno posvetuje z nadzornikom skupine.

(3) Ne glede na prvi in drugi odstavek tega člena se Agenciji za zavarovalni nadzor ni treba posvetovati v nujnih primerih, ali če bi tako posvetovanje lahko ogrozilo učinkovitost odločitve. V teh primerih brez nepotrebnega odlašanja obvesti druge člane kolegija o sprejeti odločitvi oziroma ukrepih.

371. člen
(zahteve nadzornika skupine drugim nadzornim organom)

(1) Če je Agencija za zavarovalni nadzor nadzornik skupine, katere končna nadrejena družba na ravni EU ima sedež v drugi državi članici, pozove nadzorne organe države sedeža te nadrejene družbe, ki sami ne izvajajo nadzora skupine v skladu s 357. členom tega zakona, da pridobijo in ji posredujejo podatke o nadrejeni družbi, pomembne za usklajevanje, kot je določeno v 365. členu tega zakona.

(2) Če Agencija za zavarovalni nadzor kot nadzornik skupine potrebuje podatke, ki so pomembni za nadzor skupine, in so bili takšni podatki že posredovani drugemu nadzornemu organu, poskuša takšne podatke najprej pridobiti od tega nadzornega organa.

(3) Če je Agencija za zavarovalni nadzor dobila poziv nadzornega organa druge države članice, ki je pristojen za nadzor na ravni skupine, da mu za usklajevanje v okviru kolegija posreduje pomembne podatke o povezani družbi oziroma končni nadrejeni družbi na

management structure of an insurance undertaking in the group which require the authorisation of a supervisory authority;
2. significant measures that it plans to impose on an insurance undertaking, including the capital add-on referred to in Article 309 of this Act and any limitation on the use of the internal model for the calculation of the solvency capital requirement and on the decision to extend the recovery deadline referred to in paragraphs four and six of Article 249 of this Act.

(2) In the cases referred to in point 2 of the preceding paragraph, the Insurance Supervision Agency shall always consult with the group supervisor.

(3) Notwithstanding paragraphs one and two of this Article, the Insurance Supervision Agency shall not be required to consult in cases of urgency or where such consultation could jeopardise the effectiveness of the decision. In such cases, it shall, without delay, notify other members of the college about the adopted decision or measures.

Article 371
(Requests from the group supervisor to other supervisory authorities)

(1) If the Insurance Supervision Agency is the group supervisor whose ultimate parent company at EU level has its head office in another Member State, it shall request the supervisory authorities of the Member State of the head office of that parent company, which themselves do not conduct supervision at group level pursuant to Article 357 of this Act, to acquire and provide data on the parent company which is relevant for coordination purposes as laid down in Article 365 of this Act.

(2) If the Insurance Supervision Agency, as the group supervisor, requires data that are relevant for the group supervision and which have already been provided to another supervisory authority, it shall attempt to first acquire such data from that supervisory authority.

(3) If the Insurance Supervision Agency is requested by a supervisory authority of another Member State competent for supervision at group level to provide relevant data on an associated undertaking or the ultimate parent company at EU level with the head office in the Republic

ravni EU s sedežem v Republiki Sloveniji, mu te podatke posreduje.

of Slovenia for coordination purposes within the college, it shall provide it with such data.

372. člen
(sodelovanje z nadzornimi organi, odgovornimi za kreditne in investicijske institucije)

(1) Agencija za zavarovalni nadzor sodeluje z nadzornimi organi, pristojnimi za nadzor kreditnih institucij ali investicijskih podjetij, če:

1. zavarovalnica, zavarovalni holding ali mešani finančni holding obvladuje eno ali več kreditnih institucij ali investicijskih podjetij,
2. imajo zavarovalnica in kreditna institucija oziroma investicijsko podjetje skupno udeleženo družbo,
3. zavarovalnico obvladuje kreditna institucija ali investicijsko podjetje.

(2) Agencija za zavarovalni nadzor si z nadzornimi organi iz prejšnjega odstavka izmenjuje vse informacije, ki lahko olajšajo njihove naloge in jim omogočijo nadzor nad poslovanjem in splošnim finančnim položajem družb, ki jih nadzorujejo.

Article 372
(Cooperation with supervisory authorities responsible for credit institutions and investment firms)

(1) The Insurance Supervision Agency shall cooperate with supervisory authorities competent for the supervision of credit institutions or investment firms if:

1. an insurance undertaking, an insurance holding company or a mixed financial holding company controls one or more credit institutions or investment firms,
2. an insurance undertaking and credit institution or investment firm have a joint venture,
3. an insurance undertaking is controlled by a credit institution or an investment firm.

(2) The Insurance Supervision Agency and the supervisory authorities referred to in the preceding paragraph shall exchange all information that may facilitate their tasks and enable them to supervise the business and the general financial condition of the companies they supervise.

373. člen
(pregled poslovanja zaradi preveritve informacij)

(1) Če želi Agencija za zavarovalni nadzor zaradi nadzora, za katerega je pristojna in odgovorna po tem zakonu, preveriti informacije, ki se nanašajo na zavarovalnico, zavarovalni holding, kreditno institucijo, investicijsko podjetje, mešani finančni holding, mešani zavarovalni holding ali drugo družbo v skupini, ki ima sedež v drugi državi članici, zaprosi nadzorni organ te druge države članice, da opravi pregled poslovanja te družbe zaradi preveritve teh informacij ali da ji omogoči, da sama opravi tak pregled poslovanja.

(2) Na zaprosilo nadzornega organa države članice Agencija za zavarovalni nadzor opravi pregled zavarovalnice, zavarovalnega holdinga,

Article 373
(Review of business for verification of information)

(1) If the Insurance Supervision Agency wishes to verify information within its competence and responsibilities under this Act for the purpose of conducting supervision of an insurance undertaking, an insurance holding company, a credit institution, an investment firm, a mixed financial holding company, a mixed insurance holding company or another company in the group having its head office in another Member State, it shall request the supervisory authority of that Member State to conduct a review of business of this company for the verification of this information or to allow it to conduct this review of business by itself.

(2) At the request of a supervisory authority of a Member State, the Insurance Supervision Agency shall conduct a review of an insurance

mešanega finančnega holdinga ali druge nenadzorovane družbe v skupini, ki ima sedež v Republiki Sloveniji, in sicer ga izvede neposredno ali za izvedbo pooblasti revizorja ali strokovnjaka. Nadzorni organ države članice se lahko, če tako zahteva, udeleži pregleda iz prvega stavka tega odstavka oziroma ga v dogovoru z Agencijo za zavarovalni nadzor opravi sam.

(3) V primeru, da nadzorni organ države članice oziroma osebe, ki jih pooblasti, v skladu z dogovorom z Agencijo za zavarovalni nadzor sami opravijo pregled iz prejšnjega odstavka, imajo enake pristojnosti kot Agencija za zavarovalni nadzor na podlagi 296. do 300. člena tega zakona.

(4) Če nadzorni organ države članice zavrne ali ne odgovori na zaprosilo Agencije za zavarovalni nadzor iz prvega odstavka tega člena, lahko Agencija za zavarovalni nadzor v skladu z 19. členom Uredbe 1094/2010 zahteva pomoč EIOPA.

(5) O opravljenih pregledih poslovanja je treba obvestiti nadzornika skupine.

8.2. *Upravljanje v skupini*

374. člen
(sistem upravljanja skupine)

(1) Vse zavarovalnice v skupini, zavarovalni holding oziroma mešani finančni holding imajo učinkovito in v organizacijsko strukturo ter procese odločanja dobro vključeno funkcijo upravljanja tveganj, vzpostavljen učinkovit sistem notranjih kontrol ter izpolnjujejo obveznosti iz 279. člena tega zakona. Na ravni skupine se smiselno uporabljajo 50. in 279. člen ter 4.3. oddelek tega zakona.

(2) Družbe v skupini, zlasti zavarovalnica, ki je končna nadrejena družba na ravni EU, so pristojne in odgovorne za vzpostavitev in delovanje:

undertaking, an insurance holding company and a mixed financial holding company or of another non-regulated company in the group having its head office in the Republic of Slovenia, either directly or shall authorise an auditor or expert to conduct such a review. The supervisory authority of the Member State, if it so requires, may participate in the review referred to in the first sentence of this paragraph or it may conduct the review by itself in agreement with the Insurance Supervision Agency.

(3) In the event that a supervisory authority of a Member State, or persons that it authorises, conducts the review in agreement with the Insurance Supervision Agency pursuant to the preceding paragraph, they shall have equal competence to that of the Insurance Supervision Agency pursuant to Articles 296 to 300 of this Act.

(4) If a supervisory authority of a Member State rejects or does not reply to the request of the Insurance Supervision Agency referred to in paragraph one of this Article, the Insurance Supervision Agency may require the assistance of EIOPA pursuant to Article 19 of Regulation 1094/2010.

(5) The group supervisor shall be informed of the conducted reviews.

8.2. *Group governance*

Article 374
(Group governance system)

(1) All insurance undertakings in the group, an insurance holding company, or a mixed financial holding company shall have an effective risk management function that is well-integrated into the organisational structure and decision making processes, an effective internal control system established, and they shall fulfil the obligations referred to in Article 279 of this Act. At group level Articles 50 and 279 and Subsection 4.3 of this Act shall be applied *mutatis mutandis*.

(2) The companies in a group, in particular the insurance undertaking which is the ultimate parent company at EU level, shall be competent and responsible for establishing and operating:

1. ustreznih mehanizmov za zagotavljanje solventnosti skupine, določanje in merjenje tveganj skupine, zagotovitev primernih lastnih virov sredstev skupine,
2. postopkov za poročanje, spremljanje in upravljanje poslov znotraj skupine ter koncentracije tveganja v skupini.

(3) Zavarovalnica, zavarovalni holding ali mešani finančni holding iz prvega odstavka 377. člena tega zakona izvaja oceno tveganj in solventnosti na ravni skupine, v skladu s 156. členom tega zakona.

(4) Če Agencija za zavarovalni nadzor dovoli, lahko zavarovalnica, zavarovalni holding ali mešani finančni holding iz prejšnjega odstavka istočasno z oceno tveganj in solventnosti na ravni skupine napravi oceno tveganj in solventnosti podrejenih zavarovalnic s sedežem v državi članici in pripravi skupni dokument, ki obravnava vse ocene. Ta skupni dokument predloži zavarovalnica, zavarovalni holding oziroma mešani finančni holding vsem zadevnim nadzornim organom istočasno.

(5) Pred izdajo dovoljenja za skupno oceno tveganj in solventnosti se Agencija za zavarovalni nadzor posvetuje s člani kolegija.

(6) Če skupina uporabi možnost iz četrtega odstavka tega člena, to ne odveže posameznih družb v skupini obveznosti, da izpolnjujejo pogoje iz 156. člena tega zakona.

375. člen
(poslovodstvo nadrejenega zavarovalnega holdinga oziroma mešanega finančnega holdinga)

(1) Nadrejeni zavarovalni holding oziroma mešani finančni holding zagotovi, da ima njegovo poslovodstvo ustrezen ugled in izkušnje za vodenje njegovih poslov.

(2) Za poslovodstvo nadrejenega zavarovalnega holdinga

1. adequate mechanisms for ensuring group solvency, and determining and measuring material risks of the group, and to ensure eligible own funds of the group,
2. procedures for reporting, monitoring and managing intra-group transactions and the risk concentration in the group.

(3) The insurance undertaking, the insurance holding company or the mixed financial holding company referred to in paragraph one of Article 377 of this Act shall conduct a risk and solvency assessment at group level pursuant to Article 156 of this Act.

(4) With the permission of the Insurance Supervision Agency, an insurance undertaking, an insurance holding company, or a mixed financial holding company referred to in the preceding paragraph shall also conduct a risk and solvency assessment of subsidiary insurance undertakings with head offices in a Member State together with the risk and solvency assessment at group level, and produce a joint document covering all the assessments. This joint document shall be submitted by the insurance undertaking, the insurance holding company, or the mixed financial holding company to all relevant supervisory authorities simultaneously.

(5) Prior to issuing an authorisation for a group risk and solvency assessment, the Insurance Supervision Agency shall consult with the members of the college.

(6) If a group exercises the option pursuant to paragraph four of this Article, this shall not exempt individual companies within the group from the obligation to fulfil the conditions referred to in paragraph 156 of this Act.

Article 375
(Management of a parent insurance holding company or a mixed financial holding company)

(1) A parent insurance holding company or a mixed financial holding company shall ensure that its management has a suitable reputation and experience for the management of its business.

(2) For the management of a parent insurance holding company

oziroma mešanega finančnega holdinga se smiselno uporabljajo določbe tega zakona o upravi in nadzornem svetu zavarovalnice.

8.3. *Finančni položaj skupine*

376. člen
(nadzor solventnosti skupine)

(1) Če je zavarovalnica končna nadrejena zavarovalnica na ravni EU iz 1. točke prvega odstavka 356. člena tega zakona ali zavarovalnica iz 3. točke prvega odstavka 356. člena tega zakona, zagotovi, da skupina razpolaga s primernimi lastnimi viri sredstev, ki imajo najmanj enako vrednost kot zahtevani solventnostni kapital skupine, izračunan v skladu z določbami 378. do 392. člena tega zakona.

(2) Zavarovalnica iz drugega do četrtega odstavka 356. člena tega zakona zagotovi, da skupina razpolaga s primernimi lastnimi viri sredstev, ki imajo najmanj enako vrednost kot zahtevani solventnostni kapital skupine, izračunan v skladu z določbami 378. do 392. člena tega zakona.

(3) V primeru neizpolnjevanja zahtev glede skladnosti primernih lastnih virov sredstev skupine z zahtevanim solventnostnim kapitalom na ravni skupine iz prvega in drugega odstavka tega člena se smiselno uporabljajo določbe 247. in 249. člena tega zakona.

(4) Agencija za zavarovalni nadzor takoj, ko dobi obvestilo zavarovalnice iz prvega ali drugega odstavka tega člena, da primerni lastni viri sredstev skupine ne krijejo več zahtevanega solventnostnega kapitala na ravni skupine, ali da obstaja tveganje neskladnosti primernih lastnih virov sredstev z zahtevanim solventnostnim kapitalom v naslednjih treh mesecih, o tem obvesti druge nadzorne organe v kolegiju.

377. člen

or a mixed financial holding company, the provisions of this Act governing the management and the supervisory board of an insurance undertaking shall apply *mutatis mutandis*.

8.3. *Group financial condition*

Article 376
(Supervision of group solvency)

(1) If an insurance undertaking is the ultimate parent insurance undertaking at EU level as referred to in point 1 of paragraph one of Article 356 of this Act or an insurance undertaking as referred to in point 3 of paragraph one of Article 356 of this Act, it shall ensure that the group has eligible own funds with at least the same value as the group solvency capital requirement calculated in accordance with Articles 378 to 392 of this Act.

(2) The insurance undertaking referred to in paragraphs two to four of Article 356 of this Act shall ensure that the group has eligible own funds of at least the same value as the group solvency capital requirement calculated in accordance with Articles 378 to 392 of this Act.

(3) If the requirements regarding compliance of eligible own funds of the group with the group solvency capital requirement pursuant to paragraphs one and two of this Article are no longer fulfilled, the provisions referred to in Articles 247 and 249 of this Act shall apply *mutatis mutandis*.

(4) As soon as the Insurance Supervision Agency receives notification from the insurance undertaking referred to in paragraph one or two of this Article that eligible own funds of the group no longer cover the group solvency capital requirement or that there is a risk of the non-compliance of eligible own funds with the solvency capital requirement in the next three months, it shall immediately notify the other supervisory authorities within the college.

Article 377

(pogostost izračuna)

(1) Naslednje družbe izvedejo najmanj enkrat letno izračun zahtevanega solventnostnega kapitala na ravni skupine in podatke za izračun ter njegov rezultat sporočijo Agenciji za zavarovalni nadzor:

1. zavarovalnica, ki je v skladu s prvim ali drugim odstavkom prejšnjega člena odgovorna za zagotavljanje primernih lastnih virov sredstev v višini zahtevanega solventnostnega kapitala,
2. zavarovalni holding ali mešani finančni holding, ki je končni nadrejeni zavarovalni holding oziroma mešani finančni holding na ravni EU, ali

3. druga družba v skupini, ki jo določi Agencija za zavarovalni nadzor po posvetovanju z zadevnimi nadzornimi organi in skupino.

(2) Zavarovalnice, zavarovalni holding oziroma mešani finančni holding iz prejšnjega odstavka redno spremljajo skladnost primernih lastnih virov sredstev za zagotavljanje zahtevanega solventnostnega kapitala skupine. Če se tveganja, ki jim je skupina izpostavljena, močno razlikujejo od predpostavk, ki so bile osnova pri zadnjem izračunu zahtevanega solventnostnega kapitala na ravni skupine, zahtevani solventnostni kapital na ravni skupine nemudoma ponovno izračunajo in sporočijo Agenciji za zavarovalni nadzor.

(3) Če ima Agencija za zavarovalni nadzor dokaze, da so se tveganja v skupini močno spremenila, lahko od oseb iz prvega odstavka tega člena zahteva ponoven izračun zahtevanega solventnostnega kapitala na ravni skupine.

378. člen
(izračun solventnosti skupine)

(1) Solventnost skupine se izračuna v skladu s:
- 378. do 392. členom tega zakona in
- akti, ki jih sprejme Evropska komisija na podlagi četrtega in petega odstavka 227. člena in 234. člena Direktive 2009/138/ES.

(2) Za izračun solventnosti skupine se uporabi eno od naslednjih metod:

(Frequency of calculation)

(1) The following companies shall conduct the calculation of the group solvency capital requirement at least annually, and report to the Insurance Supervision Agency the data for and the results of that calculation:
1. an insurance undertaking responsible for providing eligible own funds in the amount of the solvency capital requirement pursuant to paragraph one or paragraph two of the preceding Article,
2. an insurance holding company or a mixed financial holding company which is the ultimate parent insurance holding company or mixed financial holding company at EU level, or
3. another company within the group as determined by the Insurance Supervision Agency after consultations with the relevant supervisory authorities and the group.

(2) The insurance undertakings, insurance holding company, or mixed financial holding company referred to in the preceding paragraph shall on ongoing basis monitor the compliance of eligible own funds to ensure the group solvency capital requirement. If the risks to which the group is exposed deviate significantly from the assumptions underlying the last calculation of the group solvency capital requirement, the group solvency capital requirement shall be immediately recalculated and notified to the Insurance Supervision Agency.

(3) If the Insurance Supervision Agency has evidence to suggest that the risks in the group have altered significantly, it may require from the persons referred to in paragraph one of this Article a recalculation of the group solvency capital requirement.

Article 378
(Calculation of group solvency)

(1) Group solvency shall be calculated pursuant to:
- Articles 378 to 392 of this Act and
- the acts adopted by the European Commission pursuant Article 227(4) and (5) and Article 234 of Directive 2009/138/EC.

(2) For the calculation of group solvency one of the following methods shall be used:

1. metoda računovodske konsolidacije,
2. metoda odbitkov in združevanja.

(3) Če je zavarovalnica končna nadrejena zavarovalnica na ravni EU, izračuna solventnost skupine z metodo računovodske konsolidacije (standardna metoda).

(4) Če je Agencija za zavarovalni nadzor nadzornik skupine, lahko po posvetovanju z drugimi zadevnimi nadzornimi organi in s skupino odloči, da se za izračun solventnosti skupine uporablja metoda odbitkov in združevanja (alternativna metoda) ali kombinacijo metod računovodske konsolidacije in metod odbitkov in združevanja, če metoda računovodske konsolidacije ni primerna.

(5) Odločbo iz prejšnjega odstavka pošlje Agencija za zavarovalni nadzor zavarovalnici ali zavarovalnemu holdingu, ki izračunava zahtevani solventnostni kapital na ravni skupine.

(6) Če nadzornik skupine določi metodo za izračun solventnosti skupine, je ta metoda dokončna in jo Agencija za zavarovalni nadzor upošteva pri opravljanju nadzora skupine na ravni Republike Slovenije.

379. člen
(obseg in način konsolidacije)

(1) Pri izračunu solventnosti skupine se upošteva sorazmerni delež, ki ga ima udeležena družba v povezanih družbah.

(2) Sorazmerni delež je:
1. odstotek, ki se uporabi za pripravo konsolidiranih računovodskih izkazov, če se za izračun solventnosti skupine uporabi metoda, ki temelji na metodi računovodske konsolidacije;
2. delež vpisanega kapitala, ki ga ima udeležena družba posredno ali neposredno, če se za izračun solventnosti skupine uporabi metoda odbitkov in združevanja.

1. the accounting consolidation-based method,
2. the deduction and aggregation method.

(3) If an insurance undertaking is an ultimate parent insurance undertaking at the EU level, it shall calculate the group solvency capital requirement by means of the accounting consolidation-based method (standard method).

(4) The Insurance Supervision Agency, as the group supervisor, may, after consulting the other relevant supervisory authorities and the group, decide to apply the deduction and aggregation method (alternative method) to calculate group solvency, or a combination of the accounting consolidation-based method and the deduction and aggregation method, if the accounting consolidation-based method is not appropriate.

(5) The decision referred to in the preceding paragraph shall be sent by the Insurance Supervision Agency to the insurance undertaking or the insurance holding company that is calculating the group solvency capital requirement.

(6) If the group supervisor determines the method for the calculation of the group solvency, this method shall be final and taken into account by the Insurance Supervision Agency conducting group supervision at the level of the Republic of Slovenia.

Article 379
(Scope and manner of consolidation)

(1) The calculation of the group solvency shall take into account the proportionate share that the participating company has in associated companies.

(2) A proportionate share shall be:
1. a percentage used for the preparation of consolidated financial statements where the accounting consolidation-based method is used to calculate the group solvency;
2. a share of subscribed capital held directly or indirectly by a participating company where the deduction and aggregation method is used to calculate the group solvency.

(3) Če podrejena zavarovalnica nima zadostnih primernih lastnih virov sredstev za kritje zahtevanega solventnostnega kapitala, se ne glede na uporabljeno metodo za izračun solventnosti skupine upošteva skupni solventnostni primanjkljaj te podrejene zavarovalnice.

(4) Kjer je odgovornost nadrejene družbe omejena samo na delež kapitala, katerega imetnica je, ob upoštevanju odgovornosti drugih delničarjev, katerih dolgoročna plačilna sposobnost je ustrezna, lahko Agencija za zavarovalni nadzor dovoli, da se solventnostni primanjkljaj podrejene zavarovalnice upošteva sorazmerno. Odgovornost drugih delničarjev iz prvega stavka tega odstavka je ugotovljena na zanesljiv način, če je treba, tudi tako, da ti delničarji dajo Agenciji za zavarovalni nadzor zavezujočo pisno izjavo o tem.

380. člen
(posebni primeri konsolidacije)

Agencija za zavarovalni nadzor po posvetovanju z drugimi zadevnimi nadzornim organi in skupino določi sorazmerni delež za namen nadzora solventnosti skupine:

1. za družbe, povezane s skupnim vodenjem;
2. za družbe, za katere je ocenila, da neposredno ali posredno imetništvo glasovalnih pravic ali kapitala šteje kot udeležba, saj po njenem mnenju učinkovito izvaja znaten vpliv na to družbo;

3. za družbe, nad katerimi po njenem mnenju udeleženo podjetje izvaja prevladujoč vpliv.

381. člen
(omejitev uporabe primernih lastnih virov sredstev)

(1) Vpisan, vendar ne vplačan kapital povezane zavarovalnice se v izračunu solventnosti skupine upošteva samo, če izpolnjuje pogoje za kritje zahtevanega solventnostnega kapitala te povezane zavarovalnice.

(3) If a subsidiary insurance undertaking does not have sufficient eligible own funds to cover the solvency capital requirement, the total solvency deficit of this subsidiary insurance undertaking shall be taken into account, regardless of the method used to calculate the group solvency.

(4) Where the liabilities of the parent company are limited only to the share of the capital held by this company and taking into account the liability of other shareholders whose long-term solvency is appropriate, the Insurance Supervision Agency may allow for the solvency deficit of the subsidiary insurance undertaking to be taken into account proportionately. The liability of other shareholders referred to in the first sentence of this paragraph shall be identified in a reliable manner, if necessary also by requiring these shareholders to provide to the Insurance Supervision Agency a binding written statement concerning this.

Article 380
(Special cases of consolidation)

The Insurance Supervision Agency shall determine, after consulting the other relevant supervisory authorities and the group, the proportionate share for the purpose of supervising group solvency:

1. for undertakings linked by joint management;
2. for undertakings for which it assessed that the holding of direct or indirect voting rights or capital counts as participation because, in its opinion, it effectively exercises a considerable influence on this undertaking;
3. for undertakings over which, in its opinion, the participating company exercises a controlling influence.

Article 381
(Limited use of eligible own funds)

(1) Subscribed but unpaid capital of an associated insurance undertaking may be included in the calculation of group solvency only in so far as it meets the conditions for covering the solvency capital requirement of the associated insurance undertaking.

(2) V izračun solventnosti skupine se ne vključi:

1. vpisanega, vendar nevplačanega kapitala, ki predstavlja možno obveznost udeležene družbe;
2. vpisanega, vendar nevplačanega kapitala udeležene zavarovalnice, ki predstavlja možno obveznost povezane zavarovalnice;

3. vpisanega, vendar nevplačanega kapitala povezane zavarovalnice, ki predstavlja možno obveznost druge povezane zavarovalnice iste udeležene zavarovalnice.

(3) Če nekateri primerni lastni viri sredstev povezane zavarovalnice niso na razpolago za pokrivanje zahtevanega solventnostnega kapitala končne nadrejene zavarovalnice na ravni EU, se v izračun solventnosti skupine vključi samo del, ki je primeren za kritje zahtevanega solventnostnega kapitala te povezane zavarovalnice.

(4) V izračun solventnosti skupine se lahko vključijo lastni viri sredstev iz prvega in tretjega odstavka tega člena v skupni višini, ki ne presega zahtevanega solventnostnega kapitala povezane zavarovalnice.

(5) Pomožni lastni viri sredstev povezane zavarovalnice, ki se lahko uporabijo za kritje zahtevanega solventnostnega kapitala samo po predhodni odobritvi s strani nadzornega organa, se v izračun solventnosti skupine vključijo le, če jih je odobril nadzorni organ, pristojen za nadzor povezane zavarovalnice.

382. člen
(odprava dvojne uporabe primernih lastnih virov sredstev)

(1) Za namen kritja solventnosti skupine s primernimi lastnimi viri sredstev dvojna uporaba lastnih virov sredstev ni dovoljena.

(2) Pri izračunu solventnosti skupine je treba izključiti:

1. vrednost vseh sredstev udeležene zavarovalnice, ki predstavljajo

(2) The following shall not be included in the calculation of group solvency:
1. subscribed but unpaid capital which represents a possible liability of the participating company;
2. subscribed but unpaid capital of a participating insurance undertaking which represents a possible liability of the associated insurance undertaking;
3. subscribed but unpaid capital of an associated insurance undertaking which represents a possible liability of another associated insurance undertaking of the same participating insurance undertaking.

(3) If some of the eligible own funds of an associated insurance undertaking are not available to cover the solvency capital requirement of the ultimate parent insurance undertaking at EU level, only the part which is eligible to cover the solvency capital requirement of this associated insurance undertaking shall be included in the calculation of group solvency.

(4) Only the eligible own funds referred to in paragraph one and three of this Article in a total amount that does not exceed the solvency capital requirement of an associated insurance undertaking may be included in the calculation of group solvency.

(5) The ancillary own funds of an associated insurance undertaking, which may be used to cover the solvency capital requirement once prior approval from a supervisory authority is obtained, shall be included in the calculation of group solvency if approved by the supervisory authority competent for supervising the associated insurance undertaking.

Article 382
(Elimination of double use of eligible own funds)

(1) The double use of own funds for the purpose of covering group solvency with eligible own funds shall not be allowed.

(2) In calculating group solvency, the following shall be excluded:
1. the value of all assets of the participating insurance undertaking

financiranje primernih lastnih virov sredstev za izpolnjevanje zahtevanega solventnostnega kapitala njenih povezanih zavarovalnic;
2. vrednost vseh sredstev povezane zavarovalnice, ki predstavljajo financiranje primernih lastnih virov sredstev za izpolnjevanje zahtevanega solventnostnega kapitala udeležene zavarovalnice;

3. vrednost vseh sredstev povezane zavarovalnice, ki predstavljajo financiranje primernih lastnih virov sredstev za izpolnjevanje zahtevanega solventnostnega kapitala drugih povezanih zavarovalnic iste udeležene družbe.

383. člen
(odprava ustvarjanja kapitala znotraj skupine)

(1) Pri izračunu solventnosti skupine se ne upošteva primernih lastnih virov sredstev, ki izhajajo iz medsebojnega financiranja med udeleženo zavarovalnico in:
- z udeleženo zavarovalnico povezano družbo,

- v udeleženi zavarovalnici udeleženo družbo ali

- drugo povezano družbo katerekoli v udeleženi zavarovalnici udeležene družbe.

(2) Pri izračunu solventnosti skupine se ne upoštevajo primerni lastni viri sredstev povezane zavarovalnice, ki se uporabljajo za kritje zahtevanega solventnostnega kapitala povezane zavarovalnice in ki izhajajo iz medsebojnega financiranja s katerokoli drugo povezano družbo z udeleženo zavarovalnico.

(3) Medsebojno financiranje obstaja vsaj takrat, kadar ima udeležena zavarovalnica ali katera njenih povezanih družb delnice ali posojila v drugi družbi, ki je neposredna ali posredna lastnica primernih lastnih virov sredstev, ki izpolnjujejo pogoje za kritje zahtevanega solventnostnega kapitala udeležene zavarovalnice oziroma njenih povezanih družb.

384. člen

which represents the financing of eligible own funds for the purpose of meeting the solvency capital requirement of its associated insurance undertakings;
2. the value of all assets of an associated insurance undertaking which represents the financing of eligible own funds for the purpose of meeting the solvency capital requirement of a participating insurance undertaking;
3. the value of all assets of an associated insurance undertaking which represents the financing of eligible own funds for the purpose of meeting the solvency capital requirement of other associated insurance undertakings of the same participating company.

Article 383
(Elimination of intra-group creation of capital)

(1) In calculating group solvency, no account shall be taken of eligible own funds arising from mutual financing between the participating insurance undertaking and:
- an undertaking associated with the participating insurance undertaking,
- an undertaking with an interest in the participating insurance undertaking or
- another undertaking associated with any company with an interest in the participating insurance undertaking.

(2) In calculating group solvency, no account shall be taken of the eligible own funds of an associated insurance undertaking that are used to cover the solvency capital requirement of the associated insurance undertaking arising from mutual funding with any other associated undertaking with the participating insurance undertaking.

(3) Mutual funding shall exist at least where the participating insurance undertaking or any of its associated undertakings has shares or loans in another undertaking that is a direct or indirect owner of eligible own funds that meet the conditions for covering the solvency capital requirement of the participating insurance undertaking or of its associated undertakings.

Article 384

(vrednotenje sredstev in obveznosti v skupini)

Sredstva in obveznosti se za namen ugotavljanja izpolnjevanja obveznosti skupine glede upravljanja tveganj in za namen nadzora na ravni skupine vrednotijo v skladu s 174. členom tega zakona.

385. člen
(povezane zavarovalnice)

(1) V izračun solventnosti skupine se vključi udeleženo zavarovalnico in vse njene povezane zavarovalnice.

(2) Pri izračunu solventnosti skupine za posamezno povezano zavarovalnico države članice se uporabijo zahtevani solventnostni kapital in primerni lastni viri sredstev, kot je določeno v državi članici, kjer ima povezana zavarovalnica sedež.

386. člen
(vmesni zavarovalni holding in mešani finančni holding)

(1) Pri izračunavanju solventnosti skupine zavarovalnice, ki je prek zavarovalnega holdinga oziroma mešanega finančnega holdinga (v nadaljnjem besedilu: vmesni zavarovalni holding oziroma mešani finančni holding) udeležena v povezani zavarovalnici države članice ali tretje države, se vmesni zavarovalni holding oziroma mešani finančni holding obravnava kot zavarovalnica. Za namen tega izračuna za vmesni zavarovalni holding oziroma mešani finančni holding veljajo pravila tega zakona glede primernih lastnih virov sredstev in zahtevanega solventnostnega kapitala.

(2) Če tvori primerne lastne vire sredstev vmesnega zavarovalnega holdinga oziroma mešanega finančnega holdinga podrejeni dolg ali drugi primerni lastni viri sredstev, ki so v skladu s 199. členom tega zakona predmet omejitev, so ti primerni lastni viri

(Valuation of assets and liabilities in a group)

The value of assets and liabilities shall be valued pursuant to Article 174 of this Act for the purpose of identifying if a group fulfils its obligations regarding risk management and for the purpose of supervision at group level.

Article 385
(Associated insurance undertakings)

(1) The group solvency calculation shall include the participating insurance undertaking and all of its associated insurance undertakings.

(2) For the calculation of group solvency for each of the associated insurance undertakings of a Member State, the solvency capital requirement and eligible own funds shall be used as determined in the Member State where the associated insurance undertaking has its head office.

Article 386
(Intermediate insurance holding company and mixed financial holding company)

(1) In calculating the group solvency of an insurance undertaking which participates through an insurance holding company or a mixed financial holding company (hereinafter: intermediate insurance holding company or mixed financial holding company) in an associated insurance undertaking from a Member State or a third country, the intermediate insurance holding company or mixed financial holding company shall be treated as an insurance undertaking. For the purpose of this calculation, the provisions of this Act regarding eligible own funds and the solvency capital requirement shall apply to the intermediate insurance holding company or mixed financial holding company.

(2) If eligible own funds of an intermediate insurance holding company or a mixed financial holding company are composed of a subordinated debt or any other eligible own funds which are subject to limitations pursuant to Article 199 of this Act, such eligible own funds for

sredstev za kritje zahtevanega solventnostnega kapitala na ravni skupine omejeni tako, da se smiselno uporabijo omejitve iz 199. člena tega zakona. Smiselna uporaba pomeni primerjavo celotnih primernih lastnih virov sredstev na ravni skupine z zahtevanim solventnostnim kapitalom na ravni skupine.

(3) Primerni lastni viri sredstev vmesnega zavarovalnega holdinga oziroma mešanega finančnega holdinga, ki so v lasti zavarovalnice s sedežem v državi članici in za katere se zahteva predhodna odobritev v skladu s 194. členom tega zakona, se v izračun solventnosti skupine vključijo le, če jih je odobrila Agencija za zavarovalni nadzor.

387. člen
(povezane zavarovalnice tretjih držav)

(1) Pri izračunu solventnosti skupine z metodo odbitkov in združevanja se v skupini zavarovalnice, ki je udeležena v zavarovalnici tretje države, ta zavarovalnica tretje države šteje za povezano zavarovalnico.

(2) Če je v tretji državi, kjer ima zavarovalnica sedež, režim solventnosti najmanj enakovreden režimu iz 4.7. do 4.12. oddelka tega zakona, se v zvezi s to zavarovalnico upoštevajo zahtevani solventnostni kapital in primerni lastni viri sredstev, kot je določeno v tretji državi sedeža.

(3) Preverjanje, ali je režim solventnosti v tretji državi enakovreden režimu solventnosti po tem zakonu, izvede Agencija za zavarovalni nadzor na zahtevo udeležene zavarovalnice iz prvega odstavka tega člena ali na lastno pobudo. V ta namen se posvetuje z drugimi zadevnimi nadzornimi organi držav članic in EIOPA ter pri oceni upošteva akte, ki jih sprejme Evropska komisija na podlagi četrtega in petega odstavka 227. člena Direktive 2009/138/ES.

(4) Če je režim solventnosti v tretji državi ocenila Evropska komisija, Agencija za zavarovalni nadzor upošteva njeno oceno in se

covering the group solvency capital requirement shall be limited by applying, *mutatis mutandis*, the limitations referred to in Article 199 of this Act. Reasonable application shall mean the comparison of total eligible own funds at group level with the group solvency capital requirement.

(3) The eligible own funds of an intermediate insurance holding company or a mixed financial holding company which are owned by an insurance undertaking with its head office in a Member State and regarding which prior approval is required in accordance with Article 194 of this Act, shall be included in the calculation of group solvency only if approved by the Insurance Supervision Agency.

Article 387
(Associated insurance undertakings from third countries)

(1) In calculating group solvency using the deduction and aggregation method, in the group of an insurance undertaking which is participating in an insurance undertaking from a third country, the insurance undertaking from a third country shall be deemed an associated insurance undertaking.

(2) If in a third country in which an insurance undertaking has its head office the solvency regime is at least equivalent to the regime referred to in Sections 4.7 to 4.12 of this Act, the solvency capital requirement and eligible own funds, as determined in the third country where the head office is located, shall be taken into account for this insurance undertaking.

(3) The verification of whether the third country solvency regime is equal to the solvency regime under this Act shall be conducted by the Insurance Supervision Agency at the request of the participating insurance undertaking referred to in paragraph one of this Article or on its own initiative. For this purpose, it shall consult the other relevant supervisory authorities of Member States and EIOPA, and its assessment shall take into account the acts adopted by the European Commission pursuant to Article 227(4) and (5) of Directive 2009/138/EC.

(4) If the solvency regime in a third country was assessed by the European Commission, the Insurance Supervision Agency shall take

prejšnji odstavek ne uporablja.

388. člen
(povezane kreditne institucije, investicijska podjetja in finančne institucije)

(1) Pri izračunu solventnosti skupine zavarovalnice, ki je udeležena v kreditni instituciji, investicijskem podjetju ali finančni instituciji, osebe iz prvega odstavka 377. člena tega zakona smiselno uporabljajo metodo računovodske konsolidacije ali metodo odbitkov in združevanja, kot sta določeni v predpisu, ki ureja izračun dopolnilnih kapitalskih zahtev nadzorovanih oseb v finančnem konglomeratu.

(2) Uporabo metode računovodske konsolidacije za izračun solventnosti skupine iz prejšnjega odstavka predhodno odobri Agencija za zavarovalni nadzor, če meni, da je raven integriranega upravljanja in notranjega nadzora v skupini zadovoljiva.

(3) Pri izračunu solventnosti skupine lahko Agencija za zavarovalni nadzor na zahtevo osebe iz prvega odstavka 377. člena tega zakona ali na lastno pobudo odloči, da se udeležba iz prvega odstavka tega člena odšteje od primernih lastnih virov sredstev za izpolnjevanje zahtevanega solventnostnega kapitala na ravni skupine.

389. člen
(nerazpoložljivost potrebnih informacij)

(1) Če oseba iz prvega odstavka 377. člena tega zakona ali Agencija za zavarovalni nadzor pri izvajanju nadzora na ravni skupine nima za izračun solventnosti skupine potrebnih informacij, ki se nanašajo na povezano družbo s sedežem v državi članici ali v tretji državi, se knjigovodska vrednost te družbe v udeleženi zavarovalnici odšteje od primernih lastnih virov sredstev za kritje zahtevanega solventnostnega kapitala na ravni skupine.

(2) V primeru povezane družbe iz prejšnjega odstavka

into account its assessment and the preceding paragraph shall not apply.

Article 388
(Associated credit institutions, investment firms and financial institutions)

(1) In calculating the group solvency of an insurance undertaking which is participating in a credit institution, investment firm or financial institution, the persons referred to in paragraph one of Article 377 of this Act shall apply, *mutatis mutandis*, the accounting consolidation-based method or the deduction and aggregation method as laid down in the regulation on the calculation of additional capital requirements of supervised entities in a financial conglomerate.

(2) The application of the accounting consolidation-based method to calculate group solvency referred to in the preceding paragraph shall be approved, in advance, by the Insurance Supervision Agency if it is of the opinion that the level of integrated management and internal controls in the group is satisfactory.

(3) In calculating group solvency, the Insurance Supervision Agency may, at the request of the person referred to in paragraph one of Article 377of this Act or on its own initiative, decide to deduct the participation referred to in paragraph one of this Article from eligible own funds to comply with the group solvency capital requirement.

Article 389
(Non-availability of necessary information)

(1) If the person referred to in paragraph one of Article 377 of this Act or the Insurance Supervision Agency in conducting supervision at group level does not have the necessary information for the purpose of calculating the group solvency of an associated undertaking with its head office in a Member State or a third country, the book value of the undertaking in the participating insurance undertaking shall be deducted from the eligible own funds for covering the group solvency capital requirement.

(2) In the case of an associated undertaking referred to in the

nerealizirani dobički, ki so povezani z udeležbo v povezani družbi, niso primerni lastni viri sredstev za kritje zahtevanega solventnostnega kapitala na ravni skupine.

390. člen
(metoda računovodske konsolidacije – standardna metoda)

(1) Solventnost skupine zavarovalnice je razlika med:

1. primernimi lastnimi viri sredstev za kritje zahtevanega solventnostnega kapitala, izračunanimi na podlagi konsolidiranih podatkov, in
2. zahtevanim solventnostnim kapitalom na ravni skupine, izračunanim na podlagi konsolidiranih podatkov (v nadaljnjem besedilu: konsolidirani zahtevani solventnostni kapital skupine).

(2) Za izračun primernih lastnih virov sredstev na podlagi konsolidiranih podatkov se uporabljajo določbe 4.9. oddelka tega zakona. Za izračun konsolidiranega zahtevanega solventnostnega kapitala na ravni skupine se uporabljajo določbe 4.10. oddelka tega zakona.

(3) Konsolidirani zahtevani solventnostni kapital na ravni skupine je najmanj enak seštevku (v nadaljnjem besedilu: minimalni konsolidirani zahtevani solventnostni kapital na ravni skupine):
1. zahtevanega minimalnega kapitala iz 4.11. oddelka tega zakona končne nadrejene zavarovalnice na ravni EU in
2. sorazmernega deleža zahtevanega minimalnega kapitala povezanih zavarovalnic.

(4) Minimalni konsolidirani zahtevani solventnostni kapital na ravni skupine pokrivajo primerni osnovni lastni viri sredstev, kot so določeni v 200. členu tega zakona. Za primerne osnovne lastne vire sredstev iz prvega stavka tega odstavka se smiselno uporablja 250. in 379. do 389. člen tega zakona.

(5) Če oseba iz prvega odstavka 377. člena tega zakona izračunava solventnost skupine z metodo računovodske konsolidacije, Agenciji za zavarovalni nadzor predloži pojasnilo razlike med vsoto zahtevanega solventnostnega kapitala vseh zavarovalnic v skupini in konsolidiranim zahtevanim solventnostnim kapitalom.

preceding paragraph, the unrealised gain related to participation in the associated undertaking shall not be recognised as eligible own funds for covering the group solvency capital requirement.

Article 390
(Accounting consolidation-based method – standard method)

(1) The group solvency of an insurance undertaking shall be the difference between:
1. eligible own funds for covering the solvency capital requirement calculated on the basis of consolidated data, and

2. group solvency capital requirement calculated on the basis of consolidated data (hereinafter: consolidated group solvency capital requirement).

(2) For the calculation of eligible own funds on the basis on consolidated data, the provisions of Section 4.9 of this Act shall apply. For the calculation of the consolidated group solvency capital requirement, the provisions of Section 4.10 of this Act shall apply.

(3) The consolidated group solvency capital requirement shall be at least equal to the sum of (hereinafter: minimum group consolidated solvency capital requirement):
1. the minimum capital requirement from Section 4.11. of this Act of the ultimate parent insurance undertaking at EU level, and
2. the proportional share of the minimum capital requirement of associated insurance undertakings.

(4) The minimum group consolidated solvency capital requirement shall be covered by eligible basic own funds, as laid down in Article 200 of this Act. For eligible basic own funds referred to in the first sentence of this paragraph, Articles 250 and Articles 379 to 389 of this Act shall apply *mutatis mutandis*.

(5) If the person referred to in paragraph one of Article 377 of this Act calculates group solvency using the accounting consolidation method, it shall submit to the Insurance Supervision Agency an explanation of the difference between the sum of the solvency capital requirement of all insurance undertakings in the group and the

consolidated solvency capital requirement.

391. člen
(metoda odbitkov in združevanja – alternativna metoda)

(1) Solventnost skupine zavarovalnice je razlika med:

1. skupnimi primernimi lastnimi viri sredstev skupine in
2. vrednostjo povezane zavarovalnice v udeleženi zavarovalnici ter skupnim zahtevanim solventnostnim kapitalom na ravni skupine.

(2) Skupni primerni lastni viri sredstev skupine so vsota:

1. primernih lastnih sredstev za kritje zahtevanega solventnostnega kapitala končne nadrejene zavarovalnice in
2. sorazmernega deleža končne nadrejene zavarovalnice v primernih lastnih sredstvih za kritje zahtevanega solventnostnega kapitala povezanih zavarovalnic.

(3) Skupni zahtevani solventnostni kapital na ravni skupine je vsota:

1. zahtevanega solventnostnega kapitala končne nadrejene zavarovalnice in
2. sorazmernega deleža zahtevanega solventnostnega kapitala povezanih zavarovalnic.

(4) Če je udeležba zavarovalnice v povezani zavarovalnici v celoti ali deloma sestavljena iz posrednega lastništva, se pri vrednosti povezane zavarovalnice v udeleženi zavarovalnici in pri določanju sorazmernega deleža iz 2. točke drugega in tretjega odstavka tega člena upošteva vrednost tega posrednega lastništva glede na zaporedne interese.

392. člen
(kapitalski dodatek na ravni skupine)

(1) Če je Agencija za zavarovalni nadzor v skladu s

Article 391
(Deduction and aggregation method – alternative method)

(1) The group solvency of an insurance undertaking shall be the difference between:

1. aggregated group eligible own funds and
2. the value of an associated insurance undertaking in the participating insurance undertaking and the aggregated group solvency capital requirement.

(2) The aggregated group eligible own funds shall be the sum of:

1. eligible own funds for covering the solvency capital requirement of the ultimate parent insurance undertaking and
2. the proportional share of the ultimate parent insurance undertaking in eligible own funds for covering the solvency capital requirements of associated insurance undertakings.

(3) The aggregated group solvency capital requirement is the sum of:

1. the solvency capital requirement of the ultimate parent insurance undertaking and
2. the proportional share of the solvency capital requirement of associated insurance undertakings.

(4) If the participation of an insurance undertaking in an associated insurance undertaking consists, wholly or in part, of an indirect ownership, the value of an associated insurance undertaking in the participating insurance undertaking and the determination of the proportional share referred to in point 2 of paragraphs two and three of this Article shall take into account the value of this indirect ownership in relation to successive interests.

Article 392
(Group capital add-on)

(1) If the Insurance Supervision Agency, pursuant to Article 356

356. členom tega zakona pristojna za nadzor na ravni skupine, opravlja nadzor tveganj, ki jim je skupina izpostavljena. Agencija za zavarovalni nadzor lahko odredi kapitalski dodatek na ravni skupine, če oceni, da v izračunu zahtevanega solventnostnega kapitala skupine tveganja skupine niso ustrezno upoštevana.

(2) Agencija za zavarovalni nadzor pri določitvi kapitalskega dodatka na ravni skupine upošteva zlasti, če so:

1. tveganja na ravni skupine ustrezno zajeta v standardni formuli ali uporabljenem notranjem modelu, pri čemer upošteva zlasti tveganja na ravni skupine, ki zaradi težkega merjenja v zahtevanem solventnostnem kapitalu niso ustrezno zajeta,
2. nadzorni organi zavarovalnicam v skupini naložili kapitalske dodatke na podlagi 309. člena ali štirinajstega odstavka 367. člena tega zakona.

(3) Za kapitalski dodatek na ravni skupine se smiselno uporabljajo določbe 309. člena tega zakona.

393. člen
(solventnost skupine zavarovalnega holdinga oziroma mešanega finančnega holdinga)

(1) Če je Agencija za zavarovalni nadzor nadzornik skupine, v kateri so zavarovalnemu holdingu ali mešanemu finančnemu holdingu podrejene zavarovalnice Republike Slovenije ali EU, zagotovi, da se solventnost skupine izračuna na ravni tega zavarovalnega holdinga oziroma mešanega finančnega holdinga.

(2) Pri izračunu solventnosti skupine iz prejšnjega odstavka se uporabljajo 367. in 378. do 392. člen tega zakona.

(3) Nadrejeni zavarovalni holding oziroma mešani finančni holding iz prvega odstavka tega člena se pri izračunu solventnosti skupine obravnava kot zavarovalnica, za katero veljajo pravila tega zakona glede zahtevanega solventnostnega kapitala in lastnih virov sredstev.

of this Act, is competent for supervision at group level, it shall supervise the risk to which the group is exposed. The Insurance Supervision Agency may order a group capital add-on, if it assess that the calculation of the group solvency capital requirement does not adequately reflect the risks of the group.

(2) The Insurance Supervision Agency shall take the following into account in determining the capital add-on at group level, in particular if:

1. the risks existing at group level are sufficiently covered by the standard formula or in the internal model used, taking into account especially the risks at group level that are not sufficiently covered in the solvency capital requirement due to the difficulty of measurement,
2. supervisory authorities have imposed capital add-ons on insurance undertakings in the group pursuant to Article 309 or paragraph fourteen of Article 367 of this Act.

(3) For a group capital add-on, the provisions of Article 309 of this Act shall apply *mutatis mutandis*.

Article 393
(Group solvency of an insurance holding company or a mixed financial holding company)

(1) If the Insurance Supervision Agency is the group supervisor which includes subsidiary insurance undertakings in the Republic of Slovenia or the EU of an insurance holding company or a mixed financial holding company, it shall ensure that the group solvency is calculated at the level of such insurance holding company or mixed financial holding company.

(2) In calculating the group solvency referred to in the preceding paragraph, Articles 367 and 378 to 392 of this Act shall apply.

(3) The parent insurance holding company or the mixed financial holding company referred to in paragraph one of this Article shall be treated as an insurance undertaking for the purpose of calculating group solvency, and subject to the rules of this Act on the solvency capital requirement and eligible own funds.

394. člen
(pogoji za podrejene zavarovalnice)

(1) 395. in 396. člen tega zakona se uporabljata v skladu s:
- 378. do 392. členom tega zakona in
- akti, ki jih izda Evropska komisija na podlagi 241. člena Direktive 2009/138/ES.

(2) 395. in 396. člen tega zakona se za zavarovalnici podrejeno zavarovalnico uporabljata, če so izpolnjeni naslednji pogoji:

1. v zvezi s podrejeno zavarovalnico nadzornik na ravni skupine ni sprejel odločitve na podlagi prvega odstavka 358. člena tega zakona,

2. upravljanje tveganj in notranja kontrola nadrejene zavarovalnice vključujejo podrejeno zavarovalnico in nadrejena zavarovalnica dokaže zadevnim nadzornim organom, da skrbno upravlja podrejeno zavarovalnico,
3. nadrejena zavarovalnica je prejela dovoljenje iz četrtega odstavka 374. člena tega zakona in soglasje iz drugega odstavka 403. člena tega zakona,
4. nadrejena zavarovalnica je predložila zahtevo in dobila dovoljenje za uporabo 395. in 396. člena tega zakona.

(3) Zahtevo za uporabo 395. in 396. člena tega zakona predloži nadrejena zavarovalnica s sedežem v Republiki Sloveniji pri nadzornemu organu države članice, ki je pristojen za nadzor podrejene zavarovalnice.

(4) Če je Agencija za zavarovalni nadzor prejela zahtevo za uporabo 395. in 396. člena tega zakona od nadrejene zavarovalnice iz druge države članice, o tem nemudoma obvesti EIOPA in druge člane kolegija ter jim posreduje popolno zahtevo.

(5) Agencija za zavarovalni nadzor zagotovi, da člani kolegija v treh mesecih po tistem, ko vsi člani kolegija prejmejo popolno zahtevo za

Article 394
(Conditions for subsidiary insurance undertakings)

(1) Articles 395 and 396 of this Act shall apply pursuant to:
- Articles 378 to 392 of this Act and
- acts issued by the European Commission pursuant to Article 241 of Directive 2009/138/EC.

(2) Articles 395 and 396 of this Act shall apply to an insurance undertaking which is the subsidiary of an insurance undertaking where the following conditions are met:
1. in relation to the subsidiary insurance undertaking the supervisor at group level has not made a decision based on paragraph one of Article 358 of this Act,
2. the risk management and internal control of the parent insurance undertaking include the subsidiary insurance undertaking, and the parent undertaking proves to the supervisory authorities concerned that it prudently manages the subsidiary insurance undertaking,
3. the parent insurance undertaking was granted the authorisation referred to in paragraph four of Article 374 of this Act and the consent referred to in paragraph two of Article 403 of this Act,
4. the parent insurance undertaking submitted an application and obtained authorisation for the application of Articles 395 and 396 of this Act.

(3) The application for the application of Articles 395 and 396 of this Act shall be submitted by the parent insurance undertaking with its head office in the Republic of Slovenia to the supervisory authority of the Member State which is competent for supervising the subsidiary insurance undertaking.

(4) If the Insurance Supervision Agency receives an application for the application of Articles 395 and 396 of this Act from the parent insurance undertaking from another Member State, it shall immediately notify EIOPA and other members of the college thereof and provide them with the complete application.

(5) The Insurance Supervision Agency shall ensure that members of the college adopt a joint decision within three months of all

uporabo 395. in 396. člena tega zakona, glede zahteve sprejmejo skupno odločitev.

(6) Agencija za zavarovalni nadzor v dveh mesecih po prejemu zahteve iz tretjega odstavka tega člena članom kolegija posreduje predlog odločitve glede uporabe 395. in 396. člena tega zakona.

(7) Agencija za zavarovalni nadzor pošlje vložniku zahteve iz druge države članice skupno odločitev glede zahteve iz četrtega odstavka tega člena.

(8) Če člani kolegija glede zahteve iz tretjega odstavka tega člena v obdobju iz petega odstavka tega člena ne sprejmejo skupne odločitve, sprejme odločitev Agencija za zavarovalni nadzor. Pri odločitvi upošteva stališča in pomisleke drugih članov kolegija.

(9) Odločitev, ki obsega obrazložitev večjih odstopanj od stališč drugih članov kolegija, pošlje Agencija za zavarovalni nadzor vložniku zahteve in članom kolegija.

(10) Agencija za zavarovalni nadzor lahko v obdobju iz petega odstavka tega člena glede zahteve iz tretjega in četrtega odstavka tega člena v skladu z 19. členom Uredbe 1094/2010 preda odločitev EIOPA.

(11) Če nadzorni organ, ki nadzoruje podrejeno zavarovalnico, v obdobju iz petega odstavka tega člena v skladu z 19. členom Uredbe 1094/2010 odločitev preda EIOPA, Agencija za zavarovalni nadzor odločitev iz osmega odstavka tega člena odloži in počaka na odločitev EIOPA. Odločitev Agencije za zavarovalni nadzor je v tem primeru skladna z odločitvijo EIOPA.

(12) Če EIOPA v skladu s tretjim odstavkom 19. člena Uredbe št. 1094/2010 in s prejšnjim odstavkom ne sprejme odločitve glede zahteve iz tretjega in četrtega odstavka tega člena, odločitev sprejme

members of the college receiving the complete application for the application of Articles 395 and 396 of this Act.

(6) The Insurance Supervision Agency shall within two months of the date of receipt of the complete application referred to in paragraph three of this Article, provide the members of the college with a decision proposal on the application of Articles 395 and 396 of this Act.

(7) The Insurance Supervision Agency shall send to the applicant from another Member State that submitted the application, the joint decision regarding the application referred to in paragraph four of this Article.

(8) If members of the college do not adopt a joint decision regarding the application referred to in paragraph three of this Article within the period referred to in paragraph five of this Article, the decision shall be adopted by the Insurance Supervision Agency. In making the decision, it shall take into account the views and reservations of other members of the college.

(9) The decision, which shall include the substantiations of significant deviations from the views of other members of the college, shall be sent by the Insurance Supervision Agency to the applicant that submitted the application and to the members of the college.

(10) The Insurance Supervision Agency may within the period referred to in paragraph five of this Article refer the matter regarding the application referred to in paragraphs three and four of this Article to EIOPA pursuant to Article 19 of Regulation 1094/2010.

(11) If the supervisory authority which supervises the subsidiary insurance undertaking, within the period set in paragraph five of this Article, refers the matter to EIOPA pursuant to Article 19 of Regulation 1094/2010, the Insurance Supervision Agency shall suspend the decision referred to in paragraph eight of this Article and wait for the decision of EIOPA. In this case, the decision of the Insurance Supervision Agency shall be in conformity with the decision of EIOPA.

(12) If EIOPA does not take a decision on the requirement referred to in paragraphs three and four of this Article in accordance with paragraph three of Article 19 of Regulation (EU) No 1094/2010 and in

Agencija za zavarovalni nadzor.

395. člen
(določitev zahtevanega solventnostnega kapitala podrejene zavarovalnice)

(1) Če se zahtevani solventnostni kapital podrejene zavarovalnice izračunava z notranjim modelom, ki je odobren v skladu s 367. členom tega zakona, in Agencija za zavarovalni nadzor meni, da tveganja te zavarovalnice močno odstopajo od predpostavk v notranjem modelu, v primerih iz 309. člena tega zakona predlaga nadzorniku skupine kapitalski dodatek za to zavarovalnico, ali v izjemnih okoliščinah, da ta zavarovalnica izračuna zahtevani solventnostni kapital s standardno formulo. Agencija za zavarovalni nadzor svoj predlog in razloge posreduje kolegiju ter podrejeni zavarovalnici.

(2) Če se zahtevani solventnostni kapital podrejene zavarovalnice v izračunava s standardno formulo in Agencija za zavarovalni nadzor meni, da tveganja te zavarovalnice močno odstopajo od predpostavk, ki so osnova za izračun zahtevanega solventnostnega kapitala po standardni formuli, predlaga nadzorniku na ravni skupine v primerih iz 309. člena tega zakona kapitalski dodatek za to zavarovalnico ali uporabo specifičnih parametrov v skladu z 217. členom tega zakona. Agencija za zavarovalni nadzor svoj predlog in razloge posreduje kolegiju in podrejeni zavarovalnici.

(3) Agencija za zavarovalni nadzor zagotovi, da z drugimi člani kolegija sprejme skupno odločitev glede:

- predloga iz prvega in drugega odstavka tega člena;
- predloga za kapitalski dodatek, uporabo standardne formule ali uporabo specifičnih parametrov, ki ga prejme od nadzornega organa države članice, kjer ima podrejena zavarovalnica sedež, če je pristojna za nadzor na ravni skupine.

accordance with the preceding paragraph, the decision shall be taken by the Insurance Supervision Agency.

Article 395
(Determination of solvency capital requirement of subsidiary insurance undertaking)

(1) If the solvency capital requirement of a subsidiary insurance undertaking is calculated on the basis of an internal model approved pursuant to Article 367 of this Act and if the Insurance Supervision Agency considers that the risks of this insurance undertaking deviate significantly from the assumptions in the internal model, it shall propose to the group supervisor in the instances referred to in Article 309 of this Act the introduction of a capital add-on for this insurance undertaking or, in exceptional circumstances, that this insurance undertaking calculates the solvency capital requirement on the basis of a standard formula. The Insurance Supervision Agency shall send its proposal and grounds for it to the college and the subsidiary insurance undertaking.

(2) If the solvency capital requirement of a subsidiary insurance undertaking is calculated on the basis of the standard formula and if the Insurance Supervision Agency considers that the risks of this insurance undertaking deviate significantly from the assumptions underlying the calculations of the solvency capital requirement on the basis of the standard formula, it shall propose to the supervisor at group level in the cases referred to in Article 309 of this Act a capital add-on for this insurance undertaking or the use of specific parameters in accordance with Article 217 of this Act. The Insurance Supervision Agency shall send its proposal and the grounds for it to the college and the subsidiary insurance undertaking.

(3) The Insurance Supervision Agency shall ensure that together with other members of the college a joint decision is reached regarding:

- the proposals referred to in paragraphs one and two of this Article;
- the proposal regarding the capital add-on, the use of the standard formula or the use of specific parameters received from the supervisory authority of the Member State in which the head office of the subsidiary insurance undertaking is located, provided it is competent for supervision at group level.

Skupno odločitev glede predloga iz prvega in drugega odstavka tega člena posreduje Agencija za zavarovalni nadzor podrejeni zavarovalnici in članom kolegija.

(4) Če se Agencija za zavarovalni nadzor s predlogom iz druge alineje prejšnjega odstavka ne strinja, odločitev v roku enega meseca od prejema predloga v skladu z 19. členom Uredbe 1094/2010 preda EIOPA.

(5) Če nadzornik skupine v enem mesecu po prejemu predloga iz prvega in drugega odstavka tega člena v skladu z 19. členom Uredbe 1094/2010 odločitev preda EIOPA, Agencija za zavarovalni nadzor sprejme končno odločitev, ki je skladna z odločitvijo EIOPA.

(6) Končno odločitev glede predloga iz prvega in drugega odstavka tega člena posreduje Agencija za zavarovalni nadzor podrejeni zavarovalnici in članom kolegija.

396. člen
(neskladnost z zahtevami solventnostnega in minimalnega kapitala podrejene zavarovalnice)

(1) Če Agencija za zavarovalni nadzor v skladu z 247. členom tega zakona ugotovi, da se je v podrejeni zavarovalnici poslabšal finančni položaj tako, da je ogroženo izpolnjevanje zahtevanega solventnostnega kapitala ali zahtevanega minimalnega kapitala, predlagane ukrepe nemudoma sporoči drugim članom kolegija. O predlaganih ukrepih se, razen v izrednih razmerah, posvetuje z drugimi člani kolegija.

(2) Če Agencija za zavarovalni nadzor ugotovi neskladnost z zahtevanim solventnostnim kapitalom pri podrejeni zavarovalnici, članom kolegija nemudoma posreduje sanacijski načrt iz 249. člena tega zakona.

(3) Če Agencija za zavarovalni nadzor ugotovi neskladnost z zahtevanim minimalnim kapitalom pri podrejeni zavarovalnici, članom

The Insurance Supervision Agency shall submit the joint decision on the proposals referred to in paragraphs one and two of this Article to the subsidiary insurance undertaking and to the members of the college.

(4) If the Insurance Supervision Agency disagrees with the proposal referred to in indent two of the preceding paragraph, it shall refer the matter to EIOPA within one month of the date of receipt of the proposal pursuant to Article 19 of Regulation 1094/2010.

(5) If the group supervisor, within one month of receiving the proposals referred to in paragraphs one and two of this Article, refers the matter to EIOPA in accordance with Article 19 of Regulation 1094/2010, the Insurance Supervision Agency shall adopt a final decision which is in conformity with the decision of EIOPA.

(6) The final decision on the proposal referred to in paragraphs one and two of this Article shall be submitted to the subsidiary insurance undertaking by the Insurance Supervision Agency.

Article 396
(Non-compliance with solvency and minimum capital requirement of a subsidiary insurance undertaking)

(1) If the Insurance Supervision Agency pursuant to Article 247 of this Act identifies deteriorating financial conditions of a subsidiary insurance undertaking to such an extent that the compliance of the solvency capital requirement or the minimum capital requirement is threatened, it shall immediately notify the other members of the college of proposed measures. Except in an emergency situation, it shall consult with other college members about the proposed measures.

(2) If the Insurance Supervision Agency identifies non-compliance of a subsidiary insurance undertaking with the solvency capital requirement, it shall immediately submit to the members of the college the recovery plan referred to in Article 249 of this Act.

(3) If the Insurance Supervision Agency identifies non-compliance of a subsidiary insurance undertaking with the minimum

kolegija nemudoma posreduje kratkoročni finančni načrt iz 250. člena tega zakona in jih obvesti o sprejetih ukrepih.

(4) Agencija za zavarovalni nadzor si prizadeva, da z drugimi člani kolegija v enem mesecu sprejme sporazum glede:
- ukrepov iz prvega odstavka tega člena in
- ukrepov, ki so jih predlagali člani kolegija, ko se je poslabšal finančni položaj družbe v skupini tako, da je ogroženo izpolnjevanje zahtevanega solventnostnega kapitala ali zahtevanega minimalnega kapitala.

(5) Agencija za zavarovalni nadzor si prizadeva, da z drugimi člani kolegija v štirih mesecih sprejme sporazum glede:

- sanacijskega načrta iz drugega odstavka tega člena in
- sanacijskega načrta, ki so ga predlagali člani kolegija v primeru neskladnosti z zahtevanim solventnostnim kapitalom družbe v skupini.

(6) Če sporazum s člani kolegija glede ukrepov iz prvega odstavka tega člena ali sanacijskega načrta iz drugega odstavka tega člena v obdobju iz četrtega oziroma petega odstavka tega člena ni bil sklenjen, Agencija za zavarovalni nadzor o ukrepih oziroma odobritvi sanacijskega načrta odloči sama, upoštevajoč tudi druga mnenja članov kolegija.

(7) Agencija za zavarovalni nadzor lahko v skladu z 19. členom Uredbe 1094/2010 v primeru nestrinjanja z ukrepi iz četrtega odstavka tega člena oziroma s sanacijskim načrtom iz petega odstavka tega člena zadevo predloži v reševanje in mnenje EIOPI, in sicer v roku iz četrtega oziroma petega odstavka tega člena.

(8) V primeru iz prejšnjega odstavka Agencija za zavarovalni nadzor sprejme končno odločitev na podlagi mnenja EIOPE. Končno odločitev Agencija za zavarovalni nadzor sporoči podrejeni zavarovalnici in članom kolegija.

capital requirement, it shall immediately submit to the members of the college the short-term financial plan referred to in Article 250 of this Act.

(4) The Insurance Supervision Agency shall strive to adopt an agreement with the other members of college within one month regarding:
- the measures referred to in paragraph one of this Article and
- measures proposed by the members of the college when the financial condition of the company in the group deteriorates to the extent that threatens compliance with the solvency capital requirement or with the minimum capital requirement.

(5) The Insurance Supervision Agency shall strive to reach an agreement with the other members of the college within four months regarding:
- the recovery plan referred to in paragraph two of this Article and
- the recovery plan proposed by the members of the college in the event of non-compliance with the solvency capital requirement of a company in the group.

(6) If an agreement has not been concluded with the members of the college regarding the measures referred to in paragraph one of this Article or the recovery plan referred to in paragraph two of this Article within the period referred to in paragraph four or five of this Article, the Insurance Supervision Agency shall reach a decision concerning the measures or the approval of the recovery plan, while taking due account of other opinions of the members of the college.

(7) In the event of disagreement with the measures referred to in paragraph four of this Article or the recovery plan referred to in paragraph five of this Article, the Insurance Supervision Agency may, within the period referred to in paragraph four or five of this Article, refer the matter to EIOPA for settlement and opinion, pursuant to Article 19 of Regulation (EU) No 1094/2010.

(8) In the case referred to in the preceding paragraph, the Insurance Supervision Agency shall adopt a final decision on the basis of EIOPA's opinion. The Insurance Supervision Agency shall inform the subsidiary insurance undertaking and the college members of its final decision.

397. člen
(prenehanje odstopanja za podrejeno zavarovalnico)

(1) 395. in 396. člen tega zakona se za podrejeno zavarovalnico prenehajo uporabljati, ko ne izpolnjuje več pogojev iz drugega odstavka 394. člena tega zakona.

(2) Agencija za zavarovalni nadzor o odločitvi, da podrejena zavarovalnica s sedežem v drugi državi članici ni več vključena v nadzor na ravni skupine, takoj obvesti nadrejeno zavarovalnico in nadzorni organ države članice sedeža podrejene zavarovalnice.

(3) Za uporabo 395. in 396. člena tega zakona nadrejena zavarovalnica s sedežem v Republiki Sloveniji zagotovi, da so pogoji iz 2. in 3. točke drugega odstavka 394. člena tega zakona stalno izpolnjeni. Če pogoji niso izpolnjeni, obvesti Agencijo za zavarovalni nadzor in nadzorni organ države članice sedeža podrejene zavarovalnice ter jim predstavi načrt za ponovno izpolnitev pogojev.

(4) Agencija za zavarovalni nadzor v primeru uporabe 395. in 396. člena tega zakona najmanj enkrat letno preveri, ali so pogoji iz 2. in 3. točke drugega odstavka 394. člena tega zakona stalno izpolnjeni. Agencija za zavarovalni nadzor to preveri tudi na zahtevo nadzornega organa države članice sedeža podrejene zavarovalnice, če ta resno dvomi o izpolnjevanju teh pogojev. Če se pri preverjanju pokažejo pomanjkljivosti, od nadrejene zavarovalnice zahteva načrt za ponovno izpolnitev pogojev.

(5) Če Agencija za zavarovalni nadzor po posvetovanju s člani kolegija ugotovi, da načrt iz tretjega ali četrtega odstavka tega člena ni ustrezen ali se v dogovorjenem obdobju ne izvaja, odloči, da pogoji iz 2. in 3. točke drugega odstavka 394. člena tega zakona niso več izpolnjeni. O odločitvi obvesti nadzorni organ podrejene zavarovalnice.

Article 397
(End of derogations for a subsidiary insurance undertaking)

(1) Articles 395 and 396 of this Act shall cease to apply to a subsidiary insurance undertaking when it no longer fulfils the conditions referred to in paragraph two of Article 394 of this Act.

(2) The Insurance Supervision Agency shall immediately notify the parent insurance undertaking and the supervisory authority of the Member State in which the head office of the subsidiary insurance undertaking is located regarding the decision to no longer include the subsidiary insurance undertaking with head office in another Member State in supervision at group level.

(3) For the application of Articles 395 and 396 of this Act, a parent insurance undertaking with head office in the Republic of Slovenia shall ensure the fulfilment of conditions referred to in points 2 and 3 of paragraph two of Article 394 of this Act on an ongoing basis. If the conditions are not fulfilled, it shall notify the Insurance Supervision Agency and the supervisory authority of the Member State in which the subsidiary insurance undertaking has its head office and present to them a plan to restore compliance with the conditions.

(4) In the case that Articles 395 and 396 of this Act are applied, the Insurance Supervision Agency shall verify at least annually whether the conditions referred to in points 2 and 3 of paragraph two of Article 394 of this Act are fulfilled on an ongoing basis. The Insurance Supervision Agency shall also verify this at the request of the supervisory authority from the Member State where the head office of the subsidiary insurance undertaking is located if the latter has serious doubts about the fulfilment of these conditions. If weaknesses are identified in the verification, the parent insurance undertaking shall be required to present a plan to restore compliance with the conditions.

(5) If the Insurance Supervision Agency, after consulting the members of the college, ascertains that the plan referred to in paragraph three or four of this Article is insufficient or that it is not being implemented within the agreed period, it shall decide that the conditions referred to in points 2 and 3 of paragraph two of Article 394 of this Act are no longer

(6) Ponovna uporaba 395. in 396. člena tega zakona je možna v skladu s postopkom iz 394. člena tega zakona.

398. člen
(podrejene zavarovalnice zavarovalnega holdinga oziroma mešanega finančnega holdinga)

Za zavarovalnemu holdingu oziroma mešanemu finančnemu holdingu podrejene zavarovalnice se smiselno uporabljajo določbe 394. do 397. člena tega zakona.

8.4. *Nadzor tveganja koncentracije in transakcij znotraj skupine*

399. člen
(nadzor tveganja koncentracije)

(1) Osebe iz prvega odstavka 377. člena tega zakona Agenciji za zavarovalni nadzor redno ali najmanj enkrat letno poročajo o morebitnem pomembnem tveganju koncentracije na ravni skupine, razen v primeru iz 401. člena tega zakona. Tveganje koncentracije iz prejšnjega stavka je predmet nadzornega pregleda Agencije za zavarovalni nadzor.

(2) Če je Agencija za zavarovalni nadzor nadzornik skupine, opravlja nadzor tveganja koncentracije v skupini:
- v skladu s tem, 362. do 365., 368. do 375. in 402. do 403.a členom tega zakona in
- akti, ki jih izda Evropska komisija na podlagi četrtega do šestega odstavka 244. člena Direktive 2009/138/ES.

(3) Agencija za zavarovalni nadzor se kot nadzornik skupine z zadevnimi nadzornimi organi drugih držav članic in samo skupino posvetuje in določi vrste tveganj, o katerih poročajo zavarovalnice v skupini v vseh okoliščinah. Pri opredelitvi in izražanju mnenja o vrsti tveganja Agencija za zavarovalni nadzor in zadevni nadzorni organi

met. The decision shall be notified to the supervisory authority of the subsidiary insurance undertaking.

(6) Article 395 and 396 of this Act shall be re-applied pursuant to the procedure referred to in Article 394 of this Act.

Article 398
(Subsidiary insurance undertakings of an insurance holding company or a mixed financial holding company)

For an insurance holding company or a mixed financial holding company, the provisions of Articles 394 to 397 of this Act shall apply *mutatis mutandis*.

8.4. *Supervision of risk concentration and intra-group transactions*

Article 399
(Supervision of risk concentration)

(1) Persons referred to in paragraph one of Article 377 of this Act shall regularly or at least annually report to the Insurance Supervision Agency on any significant risk concentration at group level, except in the case referred to in Article 401 of this Act. The concentration risk referred to in the preceding sentence shall be subject to a supervisory review by the Insurance Supervision Agency.

(2) If the Insurance Supervision Agency is the group supervisor, it shall conduct supervision of the group risk concentration:
- in accordance with this Article and Articles 362 to 365, 368 to 375 and 402 to 403a of this Act and
- acts issued by the European Commission pursuant to Article 244(4) to 244(6) of Directive 2009/138/EC.

(3) The Insurance Supervision Agency, as the group supervisor, shall consult with the relevant supervisory authorities of other Member States and with the group and determine the type of risks on which the insurance undertakings in a group shall report in all circumstances. In defining the risk type and giving an opinion about the type of risks, the

drugih držav članic upoštevajo določeno skupino in strukturo upravljanja tveganj skupine.

(4) Za namen opredelitve pomembnega tveganja koncentracije na ravni skupine, o katerem se poroča, določi Agencija za zavarovalni nadzor mejne vrednosti skupine, ki temeljijo na zahtevanem solventnostnem kapitalu, zavarovalno-tehničnih rezervacijah ali obojem. O mejnih vrednostih skupine se Agencija za zavarovalni nadzor posvetuje z zadevnimi nadzornimi organi drugih držav članic in skupino.

(5) Agencija za zavarovalni nadzor pri pregledu tveganja koncentracije spremlja zlasti morebitna tveganja okužbe v skupini, tveganja konflikta interesov ter raven in obseg tveganj.

400. člen
(nadzor transakcij znotraj skupine)

(1) Agencija za zavarovalni nadzor kot nadzornik skupine opravlja nadzor transakcij med družbami v skupini in nadzor transakcij, ki jih družbe v skupini opravijo s fizičnimi osebami, ki so z družbami v skupini tesno povezane:
- v skladu s tem, 362. do 365., 368. do 375. in 402. do 403.a členom tega zakona in
- akti, ki jih izda Evropska komisija na podlagi četrtega do šestega odstavka 245. člena Direktive 2009/138/ES.

(2) Osebe iz prvega odstavka 377. člena tega zakona redno ali najmanj enkrat letno Agenciji za zavarovalni nadzor poročajo o vseh pomembnejših transakcijah znotraj skupine in o transakcijah s fizičnimi osebami, ki so tesno povezane z družbami v skupini, razen v primeru iz 401. člena tega zakona. O zelo pomembni transakciji znotraj skupine oseba iz prvega odstavka 377. člena tega zakona poroča takoj, ko je mogoče.

(3) Agencija za zavarovalni nadzor se z zadevnimi nadzornimi organi drugih držav članic in skupino posvetuje glede vrst transakcij, o katerih zavarovalnice v skupini poročajo v vseh okoliščinah. Pri opredelitvi in izražanju mnenja o vrstah transakcij Agencija za zavarovalni nadzor in zadevni nadzorni organi drugih držav članic upoštevajo določeno skupino

Insurance Supervision Agency and the relevant supervisory authorities of other Member States shall take into account the specific group and risk management structure of the group.

(4) For the purpose of identifying significant risk concentrations at group level to be reported, the Insurance Supervision Agency shall determine the limit values of the group, based on the solvency capital requirement, technical provisions, or both. The Insurance Supervision Agency shall consult with the relevant supervisory authorities of other Member States and with the group on the limit values of the group.

(5) The Insurance Supervision Agency shall, in reviewing risk concentration, in particular monitor the possible risk of contagion in the group, risks of a conflict of interest, and the level and volume of risks.

Article 400
(Supervision of intra-group transactions)

(1) The Insurance Supervision Agency, as the group supervisor, shall conduct supervision of transactions between undertakings within a group and supervision of transactions conducted by companies in a group with natural persons with close links to the undertakings in the group:
- in accordance with this Article and Articles 362 to 365, 368 to 375 and 402 to 403a of this Act and
- acts issued by the European Commission pursuant to Article 245(4) to 245(6) of Directive 2009/138/EC.

(2) Persons referred to in paragraph one of Article 377 of this Act shall regularly or at least annually report to the Insurance Supervision Agency on all significant intra-group transactions and on transactions with natural persons with close links to the undertakings within the group, except in the case referred to in Article 401 of this Act. A very significant transaction within the group must be reported by the person referred to in paragraph one of Article 377 of this Act as soon as possible.

(3) The Insurance Supervision Agency shall consult with the relevant supervisory authorities of other Member States and with the group regarding types of transactions which the insurance undertakings in the group shall report in all circumstances. The Insurance Supervision Agency and the relevant supervisory authorities of other Member States

in strukturo upravljanja tveganj skupine. Agencija za zavarovalni nadzor kot nadzornik skupine odloči o vrstah transakcij, o katerih zavarovalnice v skupini poročajo v vseh okoliščinah, sama po posvetovanju z zadevnimi nadzornimi organi.

(4) Za namen opredelitve pomembne transakcije in zelo pomembne transakcije, o kateri se poroča, določi Agencija za zavarovalni nadzor mejne vrednosti skupine, ki temeljijo na zahtevanem solventnostnem kapitalu, zavarovalno-tehničnih rezervacijah ali obojem. O mejnih vrednostih skupine se Agencija za zavarovalni nadzor posvetuje z zadevnimi nadzornimi organi drugih držav članic in skupino.

(5) Agencija za zavarovalni nadzor pri nadzoru transakcij znotraj skupine spremlja zlasti morebitna tveganja okužbe v skupini, nevarnost konflikta interesov ter raven in obseg tveganj.

401. člen
(nadzor tveganja koncentracij in transakcij znotraj skupine na ravni končne nadrejene družbe)

Agencija za zavarovalni nadzor kot nadzornik skupine lahko po posvetovanju s člani kolegija odloči, da ne opravlja nadzora tveganja koncentracij in transakcij znotraj skupine na ravni končne nadrejene družbe na ravni EU, če je ta družba podrejena družbi, ki je predmet dopolnilnega nadzora v skladu z drugim odstavkom 5. člena Direktive 2002/87/ES.

8.5. *Ukrepi nadzora v skupini*

402. člen
(ukrepi nadzora v skupini)

(1) Agencija za zavarovalni nadzor sprejme potrebne ukrepe v

shall take into account a certain group and the risk management structure of the group in defining the types of transactions and giving an opining on them. The Insurance Supervision Agency, as the group supervisor, shall after consulting with the relevant supervisory authorities decide on the types of transactions on which the insurance undertakings in the group report in all circumstances.

(4) For the purpose of defining significant transactions and very significant transactions which are subject to reporting, the Insurance Supervision Agency shall determine the group limit values, based on the solvency capital requirement, technical provisions, or both. The Insurance Supervision Agency shall consult with the relevant supervisory authorities of other Member States and with the group on the limit values of the group.

(5) In supervising intra-group transactions, the Insurance Supervision Agency shall in particular monitor the possible risk of contagion in the group, the risk of a conflict of interest and the level or volume of risks.

Article 401
(Supervision of risk concentration and intra-group transactions at the level of the ultimate parent company)

The Insurance Supervision Agency, as the group supervisor, may decide, after consulting with the members of the college, not to conduct risk concentration supervision and the supervision of intra-group transactions at the level of the ultimate parent company at EU level, if this company is a subsidiary undertaking of an undertaking that is subject to supplementary supervision pursuant to Article 5(2) of Directive 2002/87/EC.

8.5. *Supervisory measures in a group*

Article 402
(Supervisory measures in a group)

(1) The Insurance Supervision Agency shall adopt necessary

okviru nadzora na ravni skupine, če:

1. zavarovalnica, zavarovalni holding ali mešani finančni holding s sedežem v Republiki Sloveniji zavarovalnici, zavarovalnemu holdingu oziroma mešanemu finančnemu holdingu s sedežem v Republiki Sloveniji ali v drugi državi članici ne posreduje informacij, pomembnih za opravljanje nadzora na ravni skupine;

2. zavarovalnica, zavarovalni holding ali mešani finančni holding s sedežem v Republiki Sloveniji ni vzpostavil ali ne uresničuje trdnega in zanesljivega sistema upravljanja iz 374. člena tega zakona v skladu z določbami tega zakona in predpisi o upravljanju tveganj;

3. zavarovalnica, zavarovalni holding ali mešani finančni holding s sedežem v Republiki Sloveniji ni vzpostavil ali ne uresničuje sistema poročanja iz 374. člena tega zakona;

4. zavarovalnica iz prvega ali drugega odstavka 376. člena tega zakona ne izpolnjuje zahtev tega zakona in predpisov o upravljanju tveganj glede zahtevanega solventnostnega kapitala na ravni skupine;

5. zavarovalnica, zavarovalni holding ali mešani finančni holding iz prvega odstavka 377. člena tega zakona ne izvaja lastne ocene tveganj in solventnosti na ravni skupine iz 374. člena tega zakona;

6. zavarovalnica, zavarovalni holding ali mešani finančni holding s sedežem v Republiki Sloveniji pri svojem poslovanju ne spoštuje omejitev, določenih s tem zakonom, in predpisi o upravljanju tveganj;

7. zavarovalnica, zavarovalni holding ali mešani finančni holding iz 377. člena tega zakona ne izračunava zahtevanega solventnostnega kapitala na ravni skupine in ne poroča Agenciji za zavarovalni nadzor v skladu z določbami 8.3. oddelka tega zakona in predpisi o upravljanju tveganj;
8. zavarovalnica, zavarovalni holding ali mešani finančni holding s sedežem v Republiki Sloveniji ne ravna v skladu z odredbo o odpravi kršitev;

9. posli znotraj skupine ali tveganja koncentracije ogrožajo finančni položaj zavarovalnice;
10. zavarovalnica, zavarovalni holding ali mešani finančni holding krši

measures in the framework of supervision at group level if:

1. an insurance undertaking, an insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia fails to provide necessary information to an insurance undertaking, an insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia or any other Member State for the conducting of supervision at group level;
2. an insurance undertaking, insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia has not established or exercised a sound and reliable governance system as referred to in Article 374 of this Act pursuant to the provisions of this Act and risk management regulations;
3. an insurance undertaking, insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia has not established or exercised the reporting system referred to in Article 374 of this Act;
4. an insurance undertaking referred to in paragraphs one or two of Article 376 of this Act has not complied with the requirements of this Act and risk management regulations regarding the group solvency capital requirement;
5. an insurance undertaking, an insurance holding company or a mixed financial holding company referred to in paragraphs one of Article 377 of this Act has not conducted its own risk and solvency assessment at group level pursuant to Article 374 of this Act;
6. an insurance undertaking, an insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia has not complied with the restrictions laid down in this Act and risk management regulations in conducting business;
7. an insurance undertaking, an insurance holding company or a mixed financial holding company referred to in Article 377 of this Act has not calculated the group solvency capital requirement and reported to the Insurance Supervision Agency pursuant to the provisions of Section 8.3 of this Act and risk management regulations;
8. an insurance undertaking, an insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia has not acted in accordance with an order on the elimination of violations;
9. business transactions within the group or risk concentrations have threatened the financial condition of an insurance undertaking;
10. an insurance undertaking, insurance holding company or mixed

določbe 399. oziroma 400. člena tega zakona;

11. poslovodstvo nadrejenega zavarovalnega holdinga ali mešanega finančnega holdinga s sedežem v Republiki Sloveniji ne izpolnjuje pogojev iz 375. člena tega zakona;

12. zavarovalnica, zavarovalni holding ali mešani finančni holding iz prvega odstavka 377. člena tega zakona ne objavi poročila o solventnosti in finančnem položaju na ravni skupine v skladu s 403. členom tega zakona.

(2) Ukrepi Agencije za zavarovalni nadzor temeljijo na informacijah, ki jih je pridobila z opravljanjem nadzora ali od nadzornika skupine.

(3) Če je Agencija za zavarovalni nadzor nadzornik skupine in ima zavarovalnica, zavarovalni holding ali mešani finančni holding, ki je del skupine, sedež v drugi državi članici, sporoči nadzornemu organu države sedeža te zavarovalnice, zavarovalnega holdinga ali mešanega finančnega holdinga svoje ugotovitve glede kršitev te zavarovalnice, zavarovalnega holdinga ali mešanega finančnega holdinga. Agencija pri izrekanju ukrepov nadzora iz tega člena ravna v skladu z akti, ki jih izda Evropska komisija na podlagi tretjega odstavka 258. člena Direktive 2009/138/ES.

(4) Za ukrepe Agencije za zavarovalni nadzor, ki jih sprejme za namen nadzora na ravni skupine, nad zavarovalnico, zavarovalnim holdingom ali mešanim finančnim holdingom s sedežem v Republiki Sloveniji se smiselno uporabljata 281. in 283. člen tega zakona ter določbe 7.4. do 7.8. oddelka tega zakona.

8.6. *Poročilo o solventnosti in finančnem položaju ter o strukturi skupine*

403. člen
(poročilo o solventnosti in finančnem položaju skupine)

financial holding company violates the provisions of Article 399 or Article 400 of this Act;

11. the management of a parent insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia has not fulfilled the conditions referred to in Article 375 of this Act;

12. an insurance undertaking, insurance holding company or a mixed financial holding company referred to in paragraph one of Article 377 of this Act has not published a solvency and financial condition report at group level pursuant to Article 403 of this Act.

(2) The Insurance Supervision Agency's measures shall be based on information acquired in conducting supervision or from the group supervisor.

(3) If the Insurance Supervision Agency is the group supervisor, and an insurance undertaking, insurance holding company or a mixed financial holding company which is part of the group has its head office in another Member State, it shall notify the supervisory authority of the Member State where the insurance undertaking, insurance holding company, or mixed financial holding has its head office regarding the violations of this insurance undertaking, insurance holding company or mixed financial holding company. In imposing supervisory measures referred to in this Article, the Insurance Supervision Agency shall act in accordance with acts issued by the European Commission pursuant to Article 258(3) of Directive 2009/138/EC.

(4) Measures adopted by the Insurance Supervision Agency for the purpose of supervision at group level and imposed on an insurance undertaking, insurance holding company or a mixed financial holding company with its head office in the Republic of Slovenia, shall be subject to Articles 281 and 283 of this Act and provisions of Sections 7.4. to 7.8. of this Act *mutatis mutandis*.

8.6. *Solvency and financial condition report and group structure report*

Article 403
(Group solvency and financial condition report)

(1) Osebe iz prvega odstavka 377. člena tega zakona najmanj enkrat letno javno objavijo poročilo o solventnosti in finančnem položaju skupine. Za poročilo o solventnosti in finančnem položaju skupine se uporabljajo:
- določbe 261. do 264. člena tega zakona,
- akti, ki jih izda Evropska komisija na podlagi četrtega odstavka 256. člena Direktive 2009/138/ES, in
- izvedbeni tehnični standardi, ki jih izda Evropska komisija na podlagi petega odstavka 256. člena Direktive 2009/138/ES.

(2) Če Agencija za zavarovalni nadzor kot nadzornik skupine soglaša, lahko poročilo o solventnosti in finančnem položaju skupine, ki ga pripravi udeležena družba, vsebuje:
1. informacije na ravni skupine v skladu s prvim odstavkom tega člena in
2. informacije v skladu z 261. do 264. členom tega zakona za katerokoli podrejeno družbo s sedežem v Republiki Sloveniji ali drugi državi članici, ki so posamično prepoznavne.

(3) Pred izdajo soglasja iz prejšnjega odstavka se Agencija za zavarovalni nadzor posvetuje in upošteva stališče drugih članov kolegija.

(4) Če skupno poročilo o solventnosti in finančnem položaju, ki ga je odobril nadzornik skupine za posamezno podrejeno zavarovalnico s sedežem v Republiki Sloveniji, ne vsebuje vseh podatkov v skladu s 261. do 264. členom tega zakona, lahko Agencija za zavarovalni nadzor od te podrejene zavarovalnice zahteva razkritje manjkajočih podatkov.

(5) Osebe iz prvega odstavka tega člena oziroma podrejena zavarovalnica s sedežem v Republiki Sloveniji zagotovijo, da je poročilo oziroma skupno poročilo o solventnosti in finančnem položaju v slovenskem jeziku objavljeno na javnih spletnih straneh te družbe.

403.a člen
(struktura skupine)

Udeležene zavarovalnice, zavarovalni holdingi in mešani

(1) Persons referred to in paragraph one of Article 377 of this Act shall at least annually publish a group solvency and financial condition report. The following shall apply to the group solvency and financial condition report:
- provisions of Articles 261 to 264 of this Act,
- acts issued by the European Commission pursuant to Article 256(4) of Directive 2009/138/EC, and
- implementing technical standards issued by the European Commission pursuant to Article 256(5) of Directive 2009/138/EC.

(2) Subject to the consent of the Insurance Supervision Agency as the group supervisor, a group solvency and financial condition report prepared by the participating company shall comprise the following:
1. information at group level pursuant to paragraph one of this Article and
2. information pursuant to Articles 261 to 264 of this Act for any subsidiary undertaking, with head office in the Republic of Slovenia or other Member State, that is individually identifiable.

(3) Prior to granting the consent referred to in the preceding paragraph, the Insurance Supervision Agency shall consult and duly take into account any views of the other members of the college.

(4) If the joint solvency and financial condition report approved by the group supervisor for each subsidiary insurance undertaking with head office in the Republic of Slovenia does not include all data pursuant to Articles 261 to 264 of this Act, the Insurance Supervision Agency may require the subsidiary insurance undertaking to disclose the missing data.

(5) Persons referred to in paragraph one of this Article or a subsidiary insurance undertaking with head office in the Republic of Slovenia shall ensure that the report or the joint solvency and financial condition report is published in Slovenian on the public website of the undertaking.

Article 403a
(Group structure)

Participating insurance undertakings, insurance holding

finančni holdingi letno na ravni skupine razkrijejo pravno, upravljalno in organizacijsko strukturo, vključno z navedbo vseh podrejenih družb, pomembno povezanih družb in pomembnih podružnic družb v skupini.

8.7. *Tretje države*

404. člen
(nadzor na ravni skupine, če ima nadrejena družba sedež v tretji državi: ugotavljanje enakovrednosti nadzorne ureditve)

(1) Če zavarovalnica, ki je podrejena zavarovalnici s sedežem v tretji državi, zavarovalnemu holdingu s sedežem v tretji državi ali mešanemu finančnemu holdingu s sedežem v tretji državi, ni subjekt nadzora na ravni skupine, za katerega je pristojna in odgovorna Agencija za zavarovalni nadzor po 356. členu tega zakona ali nadzorni organ druge države članice, Agencija za zavarovalni nadzor ali na zahtevo nadrejene družbe ali druge zavarovalnice v skupini ali na lastno pobudo preveri, ali je ta zavarovalnica subjekt nadzora na ravni skupine, ki ga opravlja nadzorni organ te tretje države, in ali je nadzor enakovreden nadzoru na ravni skupine po tem zakonu.

(2) Če je nadzorno ureditev tretje države predhodno preverila Evropska komisija v skladu s tretjim ali petim odstavkom 260. člena Direktive 2009/138/ES, Agencija za zavarovalni nadzor rezultate te preveritve upošteva in ne opravi preverjanja iz prejšnjega odstavka.

(3) Pred sprejetjem odločitve po prvem odstavku tega člena se Agencija za zavarovalni nadzor posvetuje z zadevnimi nadzornimi organi drugih držav članic in EIOPA ter ravna v skladu z akti, ki jih Evropska komisija izda na podlagi drugega odstavka 260. člena Direktive 2009/138/ES. Agencija za zavarovalni nadzor ne sprejme nobene odločitve v zvezi s tretjo državo, ki bi bila v nasprotju s kakršnokoli predhodno odločitvijo v zvezi s to tretjo državo, razen če je to potrebno, da bi se upoštevale vse bistvene spremembe nadzornega režima iz tega zakona in nadzornega režima v tretji državi.

companies and mixed financial holding companies shall disclose annually, at group level, the legal, governance and organisational structure, including all subsidiaries, significant associates and significant branches of the group members.

8.7. *Third countries*

Article 404
(Supervision at group level if parent company has head office in a third country: identifying equivalence of the supervisory regime)

(1) If an insurance undertaking that is a subsidiary of an insurance undertaking with head office in a third country, an insurance holding company with head office in a third country or a mixed financial holding company with head office in a third country is not subject to supervision at group level for which the Insurance Supervision Agency under Article 365 of this Act or a supervisory authority of another Member State is competent and responsible, the Insurance Supervision Agency, either at the request of a parent company or another insurance undertaking in the group or on its own initiative, shall verify whether this insurance undertaking is subject to supervision at group level conducted by a supervisory authority of this third country and whether the supervision is equivalent to supervision at group level pursuant to this Act.

(2) If the supervisory regime of a third country has been verified by the European Commission in advance pursuant to Article 260(3) or 260(5) of Directive 2009/138/EC, the Insurance Supervision Agency shall take account of the results of such verification and shall not conduct verifications referred to in the preceding paragraph.

(3) Prior to adopting the decision referred to in paragraph one of this Article, the Insurance Supervision Agency shall consult with the relevant supervisory authorities of other Member States and EIOPA and act pursuant to the acts issued by the European Commission on the basis of Article 260(2) of Directive 2009/138/EC. The Insurance Supervision Agency shall not take any decision in relation to a third country that is counter to any previous decision taken vis-à-vis that third country, save where it is necessary to take into account significant changes to the supervisory regime laid down in this Act and to the supervisory regime in

(4) Če se Agencija za zavarovalni nadzor ne strinja z odločitvijo z zadevnimi nadzornimi organi drugih držav članic, sprejeto v skladu z določbami tega člena, lahko v skladu z 19. členom Uredbe 1094/2010 v treh mesecih po obvestilu o odločitvi zadevo predloži v reševanje in mnenje EIOPI.

405. člen
(nadrejena družba s sedežem v tretji državi v primeru enakovrednosti nadzorne ureditve)

(1) Če je nadzorna ureditev na ravni skupine v tretji državi v skladu s prejšnjim členom enakovredna, opravlja nadzor na ravni skupine, v katero je vključena zavarovalnica, nadzorni organ tretje države.

(2) V primeru iz prejšnjega odstavka se za sodelovanje Agencije za zavarovalni nadzor z nadzornikom skupine iz tretje države smiselno uporablja 8.1. oddelek ter 375. in 402. do 403.a člen tega zakona.

406. člen
(nadrejena družba s sedežem v tretji državi v primeru, da enakovrednost nadzora ne obstaja)

(1) Če nadzorna ureditev na ravni skupine v tretji državi, kjer ima sedež nadrejena družba, v skladu s 404. členom tega zakona ni enakovredna, opravlja ob smiselni uporabi 356. in 357. člena tega zakona nadzor na ravni skupine Agencija za zavarovalni nadzor.

(2) Za namen nadzora na ravni skupine, ko ima nadrejena družba sedež v tretji državi, katere nadzorna ureditev na ravni skupine ni enakovredna in opravlja nadzor na ravni skupine Agencija za zavarovalni nadzor ali nadzorni organ druge države članice, se smiselno uporabljajo 357., 362. do 393. in 399. do 403.a člen tega zakona.

the third country.

(4) If the Insurance Supervision Agency does not agree with the decision of the relevant supervisory authorities of other Member States taken in accordance with this Article, it may refer the matter to EIOPA for settlement and opinion within three months of notification of the decision, pursuant to Article 19 of Regulation 1094/2010.

Article 405
(Parent company with head office in a third country if supervisory regime is equivalent)

(1) If the supervisory regime at group level in a third country is equivalent pursuant to the preceding Article, the supervision at group level in which the insurance undertaking is involved shall be conducted by the supervisory authority of the third country.

(2) In the case referred to in the preceding paragraph, Section 8.1 of this Act and Articles 375 and 402 to 403a shall apply, *mutatis mutandis*, to the cooperation of the Insurance Supervision Agency with a group supervisor of a third country.

Article 406
(Parent company with head office in a third country if the supervisory regime is not equivalent)

(1) If the supervisory regime at group level in a third country where the parent company has its head office is not equivalent pursuant to Article 404 of this Act, the Insurance Supervision Agency shall conduct supervision at group level by applying *mutatis mutandis* Articles 356 and 357 of this Act.

(2) For the purpose of supervision at group level, if a parent company has its head office in a third country, provided that the supervisory regime at group level is not equivalent and the supervision at group level is conducted by the Insurance Supervision Agency or a supervisory authority of another Member State, Articles 357, 362 to 393 and 399 to 403a of this Act shall apply *mutatis mutandis*.

(3) Nadzor na ravni skupine iz prejšnjega odstavka se opravi na ravni zavarovalnega holdinga, mešanega finančnega holdinga ali zavarovalnice tretje države.

(4) Nadrejena družba s sedežem v tretji državi se pri izračunu solventnosti skupine obravnava kot zavarovalnica, za katero se uporablja 4.9. oddelek tega zakona glede lastnih virov sredstev in če gre za:

1. zavarovalni holding ali mešani finančni holding tretje države, določbe 386. člena tega zakona glede zahtevanega solventnostnega kapitala;

2. zavarovalnico tretje države, določbe 387. člena tega zakona glede zahtevanega solventnostnega kapitala.

(5) Agencija za zavarovalni nadzor lahko v primeru, ko opravlja nadzor na ravni skupine, katere nadrejena družba ima sedež v tretji državi, po predhodnem posvetovanju s člani kolegija določi in uporabi druge ustrezne nadzorne postopke in ukrepe, da se dosežejo cilji nadzora na ravni skupine. Agencija za zavarovalni nadzor lahko zlasti zahteva, da se ustanovi zavarovalni holding ali mešani finančni holding s sedežem v EU in da se ta naslov uporablja za zavarovalnice v skupini, na čelu katere je ta zavarovalni holding ali mešani finančni holding.

407. člen
(nadrejena družba s sedežem v tretji državi: ravni)

(1) Če je nadrejena družba s sedežem v tretji državi iz 404. člena tega zakona podrejena zavarovalnemu holdingu, mešanemu finančnemu holdingu ali zavarovalnici s sedežem v tretji državi, izvede Agencija za zavarovalni nadzor preverjanje enakovrednosti nadzorne ureditve na ravni skupine iz 404. člena tega zakona samo v državi, v kateri ima sedež končna nadrejena družba.

(3) The supervision at group level referred to in the preceding paragraph shall be conducted at the level of an insurance holding company, mixed financial holding company or insurance undertaking from a third country.

(4) The parent company with head office in a third country shall be treated as an insurance undertaking for the purpose of the group solvency calculation, to which Section 4.9. of this Act regarding own funds shall apply, and if it concerns:
1. an insurance holding company or mixed financial holding company from a third country, the provisions of Article 386 of this Act regarding the solvency capital requirement shall apply;
2. an insurance undertaking from a third country, the provisions of Article 387 of this Act regarding the solvency capital requirement shall apply.

(5) In the case of conducting supervision at the level of the group of which the parent company has its head office in a third country, the Insurance Supervision Agency may, after prior consultation with members of the college, determine and exercise other appropriate supervisory procedures and measures for the purpose of achieving the aims of supervision at group level. The Insurance Supervision Agency may in particular require that an insurance holding company or mixed financial holding company be established with its head office in the EU and apply this title to be used for insurance undertakings in the group headed by that insurance holding company or mixed financial holding company.

Article 407
(Parent company with head office in a third country: levels)

(1) If a parent company with head office in a third country from Article 404 of this Act is itself a subsidiary of an insurance holding company, a mixed financial holding company, or an insurance undertaking with head office in a third country, the Insurance Supervision Agency shall conduct verification of the equivalence of the supervisory regime at group level referred to in Article 404 of this Act, but only in the country where the ultimate parent undertaking has its head office.

(2) Če v tretji državi končne nadrejene družbe ne obstaja enakovrednost nadzorne ureditve na ravni skupine, lahko Agencija za zavarovalni nadzor izvede preverjanje enakovrednosti nadzorne ureditve v tretji državi, kjer ima sedež nadrejena družba na nižji ravni. V tem primeru Agencija za zavarovalni nadzor skupini obrazloži svojo odločitev.

(3) Za nadzor na ravni skupine, ki ima več ravni v tretjih državah, se smiselno uporabljata 405. in 406. člen tega zakona.

8.8. *Mešani zavarovalni holding in mešani finančni holding*

408. člen
(nadzor mešanega zavarovalnega holdinga)

(1) Če je nadrejena družba zavarovalnice mešani zavarovalni holding, Agencija za zavarovalni nadzor izvaja nadzor transakcij:

1. med mešanim zavarovalnim holdingom in eno ali več zavarovalnicami ter
2. povezanimi družbami z mešanim zavarovalnim holdingom in temi zavarovalnicami.

(2) Za nadzor transakcij iz prvega odstavka tega člena se smiselno uporabljajo 362., 368. do 373. člen, 400. člen in 402. člen tega zakona.

409. člen
(nadzor mešanega finančnega holdinga)

(1) Če Agencija za zavarovalni nadzor ugotovi, da je mešani finančni holding podvržen enakovrednim, na tveganju temelječim določbam glede nadzora v skladu s tem zakonom in v skladu z Direktivo 2002/87/ES, lahko Agencija za zavarovalni nadzor kot nadzornik skupine po posvetovanju z zadevnimi nadzornimi organi za nadzor mešanega finančnega holdinga uporabi samo določbe zakona, ki ureja finančne

(2) In the absence of an equivalent supervisory regime at group level in the third country where the ultimate parent company has its head office, the Insurance Supervision Agency may verify the equivalence of the supervisory regime in the third country where a lower level parent company has its head office. In this case, the Insurance Supervision Agency shall substantiate its decision to the group.

(3) For supervision at group level with several levels in third countries, Articles 405 and 406 of this Act shall apply *mutatis mutandis*.

8.8. *Mixed insurance holding company and mixed financial holding company*

Article 408
(Supervision of a mixed insurance holding company)

(1) If the parent company of an insurance undertaking is a mixed insurance holding company, the Insurance Supervision Agency shall conduct the supervision of transactions:
1. between a mixed insurance holding company and one or more insurance undertakings and
2. by associated undertakings with a mixed insurance holding company and these insurance undertakings.

(2) For the supervision of transactions referred to in paragraph one of this Article, Articles 362, 368 to 373, 400 and 402 of this Act shall apply *mutatis mutandis*.

Article 409
(Supervision of a mixed financial holding company)

(1) If the Insurance Supervision Agency ascertains that a mixed financial holding company is subject to equivalent, risk-based provisions regarding supervision pursuant to this Act and Directive 2002/87/EC, the Insurance Supervision Agency may, as the group supervisor, after consulting with the relevant supervisory authorities for the supervision of a mixed financial holding company, apply only the provisions of the Act

konglomerate.

(2) Če Agencija za zavarovalni nadzor ugotovi, da je mešani finančni holding podvržen enakovrednim, na tveganju temelječim določbam glede nadzora v skladu s tem zakonom in v skladu z Direktivo 2013/36/EU, lahko Agencija za zavarovalni nadzor kot nadzornik skupine po doseženem sporazumu z nadzornim organom, odgovornim za nadzor na konsolidirani podlagi, na podlagi Direktive 2013/36/EU za nadzor mešanega finančnega holdinga uporabi samo določbe zakona, ki ureja področje najpomembnejšega finančnega sektorja, kot je določen v zakonu, ki ureja finančne konglomerate.

(3) Agencija za zavarovalni nadzor o odločitvi iz prvega ali drugega odstavka tega člena obvesti EIOPA in Evropski bančni organ, ustanovljen z Uredbo 1093/2010.

9. poglavje:

STEČAJ ZAVAROVALNICE

9.1. *Skupne določbe*

410. člen
(prepoved prisilne poravnave)

Nad zavarovalnico ni mogoče začeti postopka prisilne poravnave.

411. člen
(uporaba določb za stečajni postopek)

Če s tem zakonom ni drugače določeno, se za stečaj zavarovalnice uporabljajo določbe zakona, ki ureja stečaj gospodarskih družb.

governing financial conglomerates.

(2) If the Insurance Supervision Agency ascertains that a mixed financial holding company is subject to equivalent, risk-based provisions concerning the supervision pursuant to this Act and to Directive 2013/36/EC, the Insurance Supervision Agency may, as the group supervisor, after reaching an agreement with the supervisory authority responsible for supervision on a consolidated basis, on the basis of Directive 2013/36/EC apply only the provisions of the Act governing the area of the most important financial sector, as laid down in the Act governing financial conglomerates for the supervision of a mixed financial holding company.

(3) The Insurance Supervision Agency shall inform EIOPA and the European Banking Authority established pursuant to Regulation 1093/2010 of the decision referred to in paragraph one or two of this Article.

Chapter Nine

BANKRUPTCY OF AN INSURANCE UNDERTAKING

9.1. *Common provisions*

Article 410
(Prohibition of compulsory composition)

Compulsory composition proceedings may not be initiated against an insurance undertaking.

Article 411
(Application of provisions for bankruptcy proceedings)

Unless otherwise provided by this Act, the provisions of the Act governing bankruptcy of companies shall apply to the bankruptcy of an insurance undertaking.

412. člen
(stečajni razlogi)

Agencija za zavarovalni nadzor izda odločbo o ugotovitvi pogojev za začetek stečajnega postopka:

1. če na podlagi poročila iz drugega odstavka 323. člena tega zakona oceni, da se v času trajanja izredne uprave finančno stanje ni izboljšalo in zavarovalnica kljub izredni upravi ni sposobna tekoče izpolnjevati dospelih obveznosti, ali

2. če pri opravljanju nadzora nad zavarovalnico ugotovi, da premoženje zavarovalnice ne zadošča za poplačilo vseh terjatev upnikov zavarovalnice.

413. člen
(začetek stečajnega postopka)

(1) Agencija za zavarovalni nadzor pri pristojnem sodišču vloži predlog za začetek stečajnega postopka naslednji delovni dan po izdaji pisnega odpravka odločbe o ugotovitvi pogojev za začetek stečajnega postopka. Predlogu priloži odločbo o ugotovitvi pogojev za začetek stečajnega postopka.

(2) Sodišče izda sklep o začetku stečajnega postopka brez ponovnega preizkusa pogojev za začetek stečajnega postopka v roku treh delovnih dni od vložitve predloga iz prejšnjega odstavka.

(3) Proti sklepu o začetku stečajnega postopka iz prejšnjega odstavka ni pritožbe.

414. člen
(uporaba določil o postopku stečaja nad zavarovalnico, ki ima podružnico v drugi državi članici)

Article 412
(Grounds for bankruptcy)

The Insurance Supervision Agency shall issue a decision identifying the grounds for initiating bankruptcy proceedings:

1. if it assesses on the basis of the report referred to in paragraph two of Article 323 of this Act that, during a period of special management, the financial condition of the insurance undertaking did not improve and despite the special management the insurance undertaking is not able to fulfil its due obligations in a timely manner, or
2. if, in conducting supervision of an insurance undertaking it ascertains that the assets of the insurance undertaking are not sufficient to settle all the claims of the creditors of the insurance undertaking.

Article 413
(Initiation of bankruptcy proceedings)

(1) The Insurance Supervision Agency shall file a motion to initiate bankruptcy proceedings with the competent court on the first business day after the issue of a written copy of the decision identifying the grounds for initiating bankruptcy proceedings. It shall enclose the decision identifying the grounds for the initiation of bankruptcy proceedings.

(2) The court shall issue a decision on the initiation of bankruptcy proceedings without re-examining the conditions for the initiation of bankruptcy proceedings within three business days of the motion referred to in the preceding paragraph being filed.

(3) No appeal shall be allowed against the decision on the initiation of bankruptcy proceedings referred to in the preceding paragraph.

Article 414
(Application of provisions in bankruptcy proceedings of an insurance undertaking with a branch in another Member State)

(1) V postopku stečaja nad zavarovalnico, ki ima podružnico v drugi državi članici, se smiselno uporabljajo tudi drugi odstavek 329. člena in 335., 336., 338. ter 339. člen tega zakona, če ni v drugem in tretjem odstavku tega člena določeno drugače.

(2) Sklep o začetku stečajnega postopka v obliki povzetka v Uradnem listu EU in dveh dnevnih časopisih, ki izhajata na celotnem območju države članice, v kateri ima zavarovalnica podružnico, objavi stečajno sodišče.

(3) Terjatve upnikov se prijavijo stečajnemu sodišču.

415. člen
(obveščanje znanih upnikov o začetku stečaja nad zavarovalnico, ki ima podružnico v državi članici)

(1) O izdaji sklepa o začetku stečajnega postopka nad zavarovalnico, ki ima podružnico v državi članici, stečajni upravitelj posamično, v slovenskem jeziku, takoj obvesti tudi vse znane upnike zavarovalnice, ki imajo prebivališče oziroma sedež na območju držav članic, in sicer na posebnem obrazcu, na katerem je v vseh uradnih jezikih Evropske unije naslov: »Vabilo za prijavo terjatev in roki, ki jih je treba spoštovati«.

(2) Obvestilo iz prejšnjega odstavka vsebuje naslednje informacije:
- ime in naslov organa, ki bo vodil postopek stečaja, in organa, ki mu je treba poslati prijavo terjatev;
- rok, v katerem upniki prijavijo svoje terjatve, in posledice zamude roka;
- o pravicah in dolžnostih upnikov v postopku stečaja, predvsem ali upniki, ki imajo privilegirane terjatve, in upniki, ki imajo terjatve zavarovane s stvarnimi pravicami, prav tako vložijo prijavo;

(1) Bankruptcy proceedings of an insurance undertaking with a branch in another Member State shall be subject *mutatis mutandis* to the provisions of paragraph two of Article 329 and Articles 335, 336, 338 and 339 of this Act, unless otherwise provided in paragraphs two and three of this Article.

(2) The decision on initiating bankruptcy proceedings shall be published by the bankruptcy court in the form of a summary in the Official Journal of the EU and in two daily newspapers circulated in the entire territory of the Member State in which the insurance undertaking has a branch.

(3) Claims by creditors shall be lodged with the bankruptcy court.

Article 415
(Notifying known creditors on the initiation of bankruptcy proceedings of an insurance undertaking with a branch office in another Member State)

(1) The receiver shall immediately notify all known creditors of the insurance undertaking whose residence or head office is in the territory of Member States individually, in Slovenian, concerning the issuing of a decision initiating bankruptcy proceedings on an insurance undertaking with a branch in a Member State; this shall be performed on a special form bearing the following title in all the official languages of the European Union: "Invitation to lodge claims and deadlines to be observed".

(2) The notification referred to in the preceding paragraph shall include the following information:
- name and address of the authority conducting the bankruptcy proceedings and the authority with which the claims must be lodged;
- deadline for the lodging of creditors' claims and the consequences of missing the deadline;
- information on the rights and duties of creditors in the bankruptcy proceedings, in particular whether creditors with privileged claims and creditors with secured claims by means of rights in rem should also lodge their claims;

- o vplivu začetka postopka stečaja na zavarovalne pogodbe, še posebno o datumu prenehanja njihove veljavnosti in posledicah na pravice ter dolžnosti zavarovalcev, zavarovancev ali drugih upravičencev.

(3) Stečajni upravitelji upnike redno obveščajo glede napredovanja stečajnega postopka.

(4) Za obveščanje upnikov iz prvega odstavka tega člena se smiselno uporabljajo določbe zakona, ki ureja pravdni postopek, v delu, kjer je urejena osebna vročitev.

416. člen
(stečajni upravitelj)

(1) Stečajnega upravitelja imenuje sodišče na predlog Agencije za zavarovalni nadzor. Agencija za zavarovalni nadzor lahko za stečajnega upravitelja predlaga samo osebo, ki ima veljavno dovoljenje ministra, pristojnega za pravosodje, za opravljanje funkcije upravitelja v postopkih zaradi insolventnosti in prisilne likvidacije.

(2) Če nastopijo razlogi za razrešitev stečajnega upravitelja, sodišče pred odločitvijo o njegovi razrešitvi o razlogih obvesti Agencijo za zavarovalni nadzor in jo pozove, da se o razlogih izjavi v roku, ki ne sme biti krajši od treh in ne daljši od osmih dni.

417. člen
(oklic o začetku stečajnega postopka)

Oklic o začetku stečajnega postopka nad zavarovalnico poleg podatkov, ki jih obsega oklic po zakonu, ki ureja stečaj gospodarskih družb, obsega tudi:

1. opozorilo zavarovalcem, zavarovancem in drugim upravičencem na pravne posledice začetka stečajnega postopka nad zavarovalnico iz 418. člena tega zakona,

2. ime, priimek in naslov kuratorja, če je bil ta postavljen.

- information regarding the effect of the initiation of bankruptcy proceedings on insurance contracts, in particular on the date of termination of their validity and the consequences for the rights and duties of policyholders, insured persons or other beneficiaries.

(3) Receivers shall regularly notify creditors concerning the progress of bankruptcy proceedings.

(4) Provisions of the Act regulating the civil procedure, in particular the section regulating personal service, shall apply, *mutatis mutandis*, for notifying creditors referred to in paragraph one of this Act.

Article 416
(Receiver)

(1) The receiver shall be appointed by the court on the proposal of the Insurance Supervision Agency. The Insurance Supervision Agency may propose as a receiver only a person with a valid licence from the minister responsible for justice to act as a receiver in insolvency and compulsory liquidation proceedings.

(2) If grounds for discharging a receiver exist, the court shall notify the Insurance Supervision Agency of such grounds prior to issuing the decision on their dismissal and request the Agency to declare its opinion on the grounds within a period of not less than three and not more than eight days.

Article 417
(Announcement of initiation of bankruptcy proceedings)

An announcement of the initiation of bankruptcy proceedings against an insurance undertaking shall, in addition to the data included in an announcement pursuant to the Act governing the bankruptcy of companies, include also:
1. a warning to policyholders, insured persons and other beneficiaries concerning the legal consequences of the initiation of bankruptcy proceedings against an insurance undertaking as referred to in Article 418 of this Act,
2. the name, surname and address of a trustee, if one has been

appointed.

418. člen
(prenehanje zavarovalnih pogodb)

Zavarovalne pogodbe, ki jih je sklenila zavarovalnica, prenehajo veljati z iztekom 30. dne, šteto od objave oklica o začetku stečajnega postopka nad zavarovalnico v Uradnem listu Republike Slovenije.

419. člen
(mnenje Agencije za zavarovalni nadzor)

(1) Kadar sodišče v zvezi z unovčevanjem stečajne mase po zakonu, ki ureja stečaj gospodarskih družb, odloča na podlagi predhodnega mnenja upniškega odbora, v primeru stečaja zavarovalnice pridobi tudi mnenje Agencije za zavarovalni nadzor.

(2) Za mnenje Agencije za zavarovalni nadzor iz prejšnjega odstavka se smiselno uporabljajo določbe zakona, ki ureja stečaj gospodarskih družb, o mnenju upniškega odbora.

420. člen
(obveščanje Agencije za zavarovalni nadzor)

Stečajni upravitelj izvod svojih poročil o poteku stečajnega postopka hkrati s predložitvijo sodišču predloži tudi Agenciji za zavarovalni nadzor.

421. člen
(prednostno poplačilo terjatev iz zavarovalnih pogodb)

(1) Terjatve iz zavarovalnih pogodb se iz sredstev, ki krijejo zavarovalno-tehnične rezervacije, izplačajo kot prednostne terjatve pred poplačilom prednostnih terjatev, kot so opredeljene v zakonu, ki ureja stečaj gospodarskih družb.

Article 418
(Termination of insurance contracts)

Insurance contracts concluded by the insurance undertaking shall cease to be in force 30 days after the announcement of the initiation of bankruptcy proceedings against the insurance undertaking is published in the Official Gazette of the Republic of Slovenia.

Article 419
(Opinion of the Insurance Supervision Agency)

(1) Where a court decides on the realisation of the bankruptcy estate according to the Act governing the bankruptcy of companies on the basis of a prior opinion of the creditors' committee, it shall, in the event of the bankruptcy of an insurance undertaking, also obtain the opinion of the Insurance Supervision Agency.

(2) The Insurance Supervision Agency's opinion referred to in the preceding paragraph shall be subject to the application, *mutatis mutandis*, of the provisions of the Act governing bankruptcy of companies on the opinion of the creditors' committee.

Article 420
(Notifying the Insurance Supervision Agency)

The receiver shall submit a copy of the reports on the progress of bankruptcy proceedings simultaneously to the court and to the Insurance Supervision Agency.

Article 421
(Preferential payment of claims under insurance contracts)

(1) Claims under insurance contracts shall be paid from assets covering technical provisions, as preferential claims prior to preferential claims, as defined in the Act governing the bankruptcy of companies.

(2) Terjatve iz prejšnjega odstavka se izplačajo po naslednjem vrstnem redu:

1. terjatve iz življenjskih oziroma premoženjskih zavarovanj, razen terjatev iz zavarovanj iz 422. člena tega zakona v višini, v kateri so bile poplačane iz sredstev iz 423. člena tega zakona, in razen terjatev iz 3. točke tega odstavka, se prednostno izplačajo iz sredstev iz registra sredstev življenjskih oziroma premoženjskih zavarovanj, ki se vodijo v skladu s 240. členom tega zakona;

2. terjatve iz življenjskih in premoženjskih zavarovanj iz prejšnje točke, ki niso bile poplačane iz sredstev iz registrov sredstev, se poplačajo iz preostalih sredstev iz navedenih registrov;
3. terjatve iz zavarovanj na povrnitev dela premije, vplačane za obdobje po prenehanju zavarovanja, ter na povrnitev premije za zavarovanja, ki niso stopila v veljavo pred uvedbo stečajnega postopka zaradi odstopa, razveljavitve ali iz drugih razlogov.

9.2. *Posebne določbe za poplačilo terjatev tistih vrst zavarovanj, v zvezi s katerimi obstoji pravica do izplačila terjatev na določenih sredstvih zavarovalnice*

422. člen
(uporaba določb tega oddelka)

Kadar v zvezi z zavarovanji obstoji na določenih sredstvih zavarovalnice pravica, da se v primeru stečaja poplačajo terjatve iz teh zavarovanj iz teh določenih sredstev, se za terjatve iz teh zavarovanj uporabljajo določbe tega oddelka.

423. člen
(ločitvena pravica)

(1) Z dnem začetka stečajnega postopka pridobijo upravičenci iz zavarovanj iz prejšnjega člena za poplačilo svojih terjatev ločitveno pravico na sredstvih iz prejšnjega člena.

(2) Claims referred to in the preceding paragraph shall be paid in the following order:

1. claims arising from life insurance or non-life insurance, except for claims referred to in Article 422 of this Act in the amount that was already paid from assets referred to in Article 423 of this Act and with the exception of claims referred to in point 3 of this paragraph, shall be preferentially paid from assets from the register of assets for life insurance or non-life insurance managed pursuant to Article 240 of this Act;
2. claims under life insurance and non-life insurance referred to in the preceding item which were not paid from assets from the register of assets shall be paid from the remaining funds from these registers;
3. claims under insurance regarding the return of a part of the paid premium for a period after the expiry of the insurance and the return of the premium for insurance which did not enter into force prior to the initiation of bankruptcy proceedings due to withdrawal, abrogation or other reasons.

9.2. *Special provisions for the payment of those types of insurance claims that are subject to the right to payment from particular assets of an insurance undertaking*

Article 422
(Application of provisions of this Section)

Where for insurance involves in relation to designated assets of an insurance undertaking the existence of a right that allows claims under such insurance to be paid from these assets in the event of bankruptcy, the provisions of this Section shall apply to claims under such insurance.

Article 423
(Right to separate satisfaction)

(1) As of the date of the initiation of bankruptcy proceedings, insurance beneficiaries referred to in the preceding paragraph shall acquire a right to separate satisfaction relating to the payment of their claims from the assets referred to in the preceding Article.

(2) Upravičenci iz zavarovanj iz prejšnjega člena imajo pravico, da se iz sredstev, na katerih pridobijo ločitveno pravico, izplačajo njihove terjatve pred drugimi terjatvami v višini, ki je enaka zahtevanemu kritju v zvezi z zavarovanjem, iz katerega izvira terjatev.

(3) Če sredstva iz prejšnjega odstavka ne zadoščajo za celotno poplačilo terjatev iz prejšnjega odstavka, se te terjatve poplačajo v višini, ki je v enakem razmerju z zahtevanim kritjem v zvezi z zavarovanjem, iz katerega izvira terjatev, kot je razmerje med celotno vrednostjo sredstev iz prejšnjega odstavka in zahtevanim kritjem za vsa zavarovanja, ki jih je sklenila zavarovalnica v zvezi s temi sredstvi.

(4) Druge terjatve iz zavarovanj iz prejšnjega člena se poplačajo iz sredstev iz drugega odstavka tega člena, ki ostanejo po poplačilu terjatev iz drugega odstavka tega člena.

(5) Če sredstva iz drugega odstavka tega člena ne zadoščajo za celotno poplačilo drugih terjatev iz prejšnjega odstavka, se te terjatve iz sredstev iz drugega odstavka tega člena poplačajo sorazmerno.

(6) Za ugotavljanje višine terjatve in skupne višine zahtevanega kritja je odločilno stanje terjatev in skupne višine zahtevanega kritja na dan začetka stečajnega postopka.

424. člen
(ločen račun denarnih sredstev v stečaju)

(1) Stečajni upravitelj pri organizaciji, ki opravlja posle plačilnega prometa, poleg splošnega računa stečajnega dolžnika za vsako skupino sredstev iz 422. člena tega zakona odpre poseben denarni račun te skupine sredstev.

(2) Celotno poslovanje z denarnimi sredstvi, pridobljenimi z unovčenjem sredstev iz 422. člena tega zakona, stečajni upravitelj

(2) The insurance beneficiaries referred to in the preceding Article shall have the right to be paid their claims before other claims from assets which are the subject of the right to separate satisfaction, in an amount that is equal to the required coverage under the insurance which gave rise to the claim.

(3) If the assets referred to in the preceding paragraph are insufficient to fully settle the claims referred to in the preceding paragraph, such claims shall be paid in an amount which is in equal proportion to the required coverage under the insurance from which the claim arises as the proportion between the full value of assets referred to in the preceding paragraph and the required coverage for all insurance concluded by the insurance undertaking with respect to these assets.

(4) Other claims arising from insurance referred to in the preceding Article shall be settled from the assets referred to in paragraph two of this Article that remain after the claims referred to in paragraph two of this Article have been settled.

(5) If assets referred to in paragraph two of this Article do not suffice to fully settle the other claims referred to in the preceding paragraph, such claims shall be paid proportionately from the assets referred to in paragraph two of this Article.

(6) The balance of claims and the total amount of required coverage as at the date of the initiation of bankruptcy proceedings shall be decisive for determining the amount of a claim and the total amount of coverage required.

Article 424
(Separate cash account for funds in bankruptcy)

(1) The receiver shall open, in addition to a general account of the debtor in bankruptcy, for each group of assets referred to in Article 422 of this Act a separate cash account for these groups of assets with an organisation that performs payment transactions.

(2) The receiver shall conduct all transactions with funds obtained by liquidating assets referred to in Article 422 of this Act through

opravlja prek posebnega denarnega računa iz prejšnjega odstavka.

(3) Vsak nalog za izplačilo iz posebnega denarnega računa iz prvega odstavka tega člena poleg stečajnega upravitelja odobri tudi kurator.

425. člen
(kurator)

(1) Zaradi zaščite interesov upravičencev iz zavarovanj iz 422. člena tega zakona imenuje stečajno sodišče na predlog Agencije za zavarovalni nadzor s sklepom o začetku stečajnega postopka kuratorja.

(2) Za kuratorja je lahko imenovana oseba, ki izpolnjuje pogoje za imenovanje za stečajnega upravitelja in ki ima ustrezno znanje ter izkušnje s področja zavarovalništva.

(3) Stečajni upravitelj kuratorju omogoči pregled poslovnih knjig in drugih evidenc ter dokumentacije zavarovalnice v obsegu, ki je potreben za ugotovitev obsega sredstev iz 422. člena tega zakona, prijavo terjatev upravičencev ter uresničevanje drugih pooblastil, ki jih ima kurator po tem zakonu.

(4) Kadar zakon, ki ureja stečaj gospodarski družb, določa, da je treba pridobiti mnenje oziroma soglasje upniškega odbora, je treba v zvezi s sredstvi iz 422. člena tega zakona pridobiti tudi mnenje oziroma soglasje kuratorja.

(5) Glede nagrade kuratorja ter njegovih pooblastil in dolžnosti se smiselno uporabljajo predpisi, ki veljajo za stečajnega upravitelja.

426. člen
(prijava in preizkus terjatev)

(1) Rok za prijavo terjatev iz prvega odstavka 423. člena tega zakona je tri mesece od objave oklica o začetku stečajnega postopka v

the separate cash account referred to in the preceding paragraph.

(3) The trustee shall, in addition to the receiver, approve each payment order for the payment from the separate cash account referred to in paragraph one of this Article.

Article 425
(Trustee)

(1) For the purpose of protecting the interests of insurance beneficiaries referred to in Article 422 of this Act, the bankruptcy court shall appoint a trustee, on the proposal of the Insurance Supervision Agency, by means of a decision on the initiation of bankruptcy proceedings.

(2) A person who fulfils the conditions for appointment as a receiver and has suitable knowledge and experience in the insurance business may be appointed as a trustee.

(3) The receiver shall allow the trustee to review the books of account and other records and documents of the insurance undertaking to the extent required to identify the scope of the assets referred to in Article 422 of this Act, the lodged beneficiaries' claims and the exercise of other authorisations held by the trustee pursuant to this Act.

(4) Where the Act on the bankruptcy of companies provides that an opinion or consent of the creditors' committee must be obtained, an opinion or consent of the trustee must also be obtained regarding the assets referred to in Article 422 of this Act.

(5) Provisions which apply to a receiver shall also apply, *mutatis mutandis*, to the trustee, regarding remuneration, their authorisations and duties.

Article 426
(Lodging and testing of claims)

(1) The deadline for lodging claims referred to in paragraph one of Article 423 of this Act shall be three months after the publication of the

Uradnem listu Republike Slovenije.

(2) Kurator v imenu in za račun upravičencev prijavi terjatve iz prvega odstavka 423. člena tega zakona in o prijavi obvestiti upravičence. Upravičenci lahko tudi sami prijavijo svoje terjatve.

(3) Terjatve, ki jih prijavi kurator, veljajo v stečajnem postopku zavarovalnice za ugotovljene in se zanje ne uporabljajo določbe zakona, ki ureja stečaj gospodarski družb o preizkusu terjatev.

(4) Kadar je terjatev poleg kuratorja prijavil tudi upravičenec, se prijava terjatve upravičenca upošteva in preizkusi samo v delu, v katerem presega terjatev, ki jo je v imenu in za račun tega upravičenca prijavil kurator.

10. poglavje:

POSTOPEK ODLOČANJA AGENCIJE ZA ZAVAROVALNI NADZOR V POSAMIČNIH ZADEVAH

10.1. *Splošne določbe*

427. člen
(uporaba določb o postopku)

(1) Agencija za zavarovalni nadzor odloča o posamičnih zadevah, za katere je pristojna po tem ali drugem zakonu, po postopku, določenem v tem poglavju, razen če zakon za posamezno vrsto postopka določa drugače.

(2) Če ni v tem zakonu drugače določeno, se za postopek odločanja Agencije za zavarovalni nadzor uporabljajo določbe zakona, ki ureja splošni upravni postopek.

(3) Ne glede na določbo prejšnjega odstavka v postopku

announcement of the initiation of bankruptcy proceedings in the Official Gazette of the Republic of Slovenia.

(2) The trustee shall, on behalf and for the account of the beneficiaries, lodge the claims referred to in paragraph one of Article 423 of this Act and notify them thereof. Beneficiaries may also lodge their own claims.

(3) The claims lodged by the trustee shall be deemed established in the bankruptcy proceedings against an insurance undertaking, and the provisions of the Act on the bankruptcy of companies regarding the testing of claims shall not apply to them.

(4) If a claim is lodged by a trustee and, in addition, by a beneficiary, the lodging of the beneficiary's claim shall be taken into consideration and tested only in the part which exceeds the claim lodged by the trustee on behalf and for the account of this beneficiary.

Chapter Ten

THE INSURANCE SUPERVISION AGENCY'S DECISION-MAKING PROCESS IN INDIVIDUAL MATTERS

10.1. *General Provisions*

Article 427
(Application of provisions on the procedure)

(1) The Insurance Supervision Agency shall decide on individual matters within its competence under this Act or any other act by following the procedure laid down in this Chapter, unless otherwise provided for individual types of procedures by an Act.

(2) Unless otherwise provided by this Act, the provisions of the Act governing general administrative procedure shall apply to the decision-making process of the Insurance Supervision Agency.

(3) Notwithstanding the provision of the preceding paragraph,

odločanja Agencije za zavarovalni nadzor ni mogoče zahtevati vrnitve v prejšnje stanje ali vložiti izrednih pravnih sredstev.

(4) Ne glede na določbo prejšnjega odstavka je v postopku odvzema dovoljenja dovoljena obnova postopka, vendar samo zaradi novih dejstev in novih dokazov, in če je predlog za obnovo postopka vložen v roku enega leta od pravnomočnosti odločbe o odvzemu dovoljenja.

428. člen
(organi postopka in odgovornost za škodo)

(1) Organa postopka sta senat in predsednik senata.

(2) Predsednik in člani senata ter strokovni delavci Agencije za zavarovalni nadzor, ki opravljajo posamezna dejanja v postopkih odločanja o posamičnih zadevah, za katere je pristojna Agencija za zavarovalni nadzor po tem ali drugem zakonu, ne odgovarjajo za škodo, ki jo povzročijo strankam ali drugim osebam pri opravljanju dejanj v teh postopkih, razen če je škoda povzročena namenoma ali iz hude malomarnosti.

429. člen
(sestava in pristojnost senata)

(1) Senat sestavljajo vsi člani strokovnega sveta Agencije za zavarovalni nadzor, od katerih je eden predsednik senata. Seja senata se šteje za sejo strokovnega sveta.

(2) Senat odloča:
1. o vseh posamičnih zadevah, o katerih je treba odločiti z odločbo, razen če zakon za posamezen primer določa pristojnost predsednika senata, in
2. o ugovorih proti odredbam predsednika senata.

(3) Postopek do izdaje odločbe vodi predsednik senata ali

no reinstatement of the previous condition may be required in the decision-making process of the Insurance Supervision Agency or filing of extraordinary legal remedies.

(4) Notwithstanding the provision of the preceding paragraph, the reopening of a procedure shall be allowed in the procedure for the withdrawal of an authorisation, subject to the presentation of new facts and evidence, and if the motion to reopen the procedure is filed within one year of the finality of the decision on the withdrawal of authorisation.

Article 428
(Bodies of the procedure and liability for damages)

(1) The procedural bodies shall be the senate and the president of the senate.

(2) The president and the members of the senate as well as experts of the Insurance Supervision Agency performing individual tasks in the decision-making process in individual matters for which the Insurance Supervision Agency is competent under this or any other Act shall not be liable for any damage suffered by the parties or other persons in the course of such process, unless the damage has been caused intentionally or out of gross negligence.

Article 429
(Structure and competence of the senate)

(1) The senate shall be comprised of all members of the council of experts, of which one person shall act as the president of the senate. A meeting of the senate shall be deemed a meeting of the council of experts.

(2) The senate shall decide on:
1. all individual matters to be resolved by a decision, unless the competence of the president of the senate for an individual case is laid down by the Act, and
2. appeals against the orders of the president of the senate.

(3) The procedure up until the issue of the decision shall be

strokovni delavec Agencije za zavarovalni nadzor, ki lahko v skladu z zakonom, ki ureja upravni postopek, vodi upravni postopek in ga za to pooblasti predsednik senata.

conducted by the president of the senate or an expert of the Insurance Supervision Agency who may, pursuant to the Act governing administrative procedure, conduct the administration procedure and shall be authorised by the president of the senate to do so.

430. člen
(predsednik senata)

(1) Pristojnosti predsednika senata pri vodenju postopka in odločanju o posamezni zadevi opravlja član strokovnega sveta agencije, ki ga izvolijo člani strokovnega sveta.

(2) Predsednik senata odloča:
1. o vseh posamičnih zadevah, o katerih se odloča z odredbo ali s sklepom;
2. o vprašanjih, ki se tičejo postopka, in o tistih vprašanjih, ki se kot postranska vprašanja pojavijo v zvezi z izvedbo postopka in se o njih ne odloča z odločbo;
3. o zahtevah za vpis v registre, ki jih po zakonu vodi Agencija za zavarovalni nadzor; in
4. o drugih posamičnih zadevah, o katerih je treba odločiti z odločbo, če za posamezen primer tako določa zakon.

Article 430
(President of the senate)

(1) The competences of the president of the senate in conducting the procedure and adopting decisions with regard to an individual matter shall be performed by a member of the council of experts elected by members of the council of experts.

(2) The president of the senate shall decide on:
1. all individual matters to be resolved by a decision or an order;
2. questions relating to procedure and questions which are raised as secondary questions in connection with the conducting of a procedure and which are not resolved by a decision;
3. the applications for the entry in the registers that are pursuant to the Act kept by the Insurance Supervision Agency; and
4. all other individual matters to be resolved by a decision if so provided by an Act for an individual case.

431. člen
(seja senata)

(1) Senat odloča po posvetovanju z glasovanjem na seji, ki ni javna.

(2) Senat veljavno odloča, če je na seji navzoča večina članov senata.

(3) Predsednik senata vodi posvetovanje in glasovanje ter glasuje zadnji. Njegova dolžnost je skrbeti, da se vsa vprašanja vsestransko in popolnoma obravnavajo.

(4) Če so glasovi glede posameznih vprašanj, o katerih se glasuje, porazdeljeni na več različnih mnenj, tako da nobeno od njih nima

Article 431
(Senate meeting)

(1) The senate shall take decisions after a consultation and voting in a meeting, which is not public.

(2) The senate’s decisions shall be valid, if the majority of the senate's members are present in the meeting.

(3) The president of the senate shall chair the consultation and voting and shall cast their vote last. Their duties are to ensure, that all issues are examined thoroughly and comprehensively.

(4) If with respect to particular issues the votes divide among diverging opinions in such a manner that none of them can attain majority,

potrebne večine, se vprašanja ločijo in glasovanje ponavlja, dokler se ne doseže večina. Če se tako ne dobi večine, se odločitev doseže tako, da se glasovi, ki so za subjekt nadzora najmanj ugodni, prištejejo glasovom, ki so od teh manj neugodni, dokler se ne doseže potrebne večine.

(5) Člani senata ne smejo odkloniti glasovanja o vprašanjih, ki jih postavi predsednik senata. Vendar pa članu senata, ki je glasoval za ustavitev postopka za odvzem dovoljenja in ostal v manjšini, ni treba glasovati o sankciji. Če ne glasuje, se šteje, da se strinja z glasom, ki je za subjekt nadzora najugodnejši.

(6) Odločitev je sprejeta, če zanjo glasuje večina članov senata, ki so navzoči na seji.

(7) Ne glede na prejšnji odstavek je odločitev o odvzemu dovoljenja sprejeta, če zanjo glasuje večina vseh članov senata.

432. člen
(zapisnik o posvetovanju in glasovanju)

(1) O posvetovanju in glasovanju se sestavi poseben zapisnik.

(2) Zapisnik o posvetovanju in glasovanju obsega potek glasovanja in sprejeto odločitev.

(3) Posebna mnenja se priložijo zapisniku o posvetovanju in glasovanju, če niso vpisana v samem zapisniku o posvetovanju in glasovanju.

(4) Zapisnik o posvetovanju in glasovanju podpišejo vsi člani senata in zapisnikar.

(5) Zapisnik o posvetovanju in glasovanju se zapre v poseben ovitek. Ta zapisnik sme pregledati samo sodišče, ko odloča v upravnem sporu. V tem primeru sodišče zapisnik spet zapre v poseben ovitek in na ovitku označi, da je zapisnik pregledalo.

the issues put to vote shall be divided and separate voting shall be repeated until a majority is attained. If the majority cannot be attained in this manner, a decision shall be taken in such a way that the votes which are least favourable to the subject of supervision are added to the votes that are more favourable than the former, until the majority is attained.

(5) Members of the senate may not abstain from casting a vote on any issues put to vote by the president of the senate. However, a member of the senate who voted for suspension of the procedure regarding the withdrawal of authorisation and has remained in minority, shall not be required to vote on the sanction. If the member abstains, it shall be deemed that they agree with the vote which is the most favourable to the subject of supervision.

(6) A decision shall be adopted if a majority of the members of the senate who are present in the meeting vote for it.

(7) Notwithstanding the preceding paragraph, the decision on withdrawal of authorisation shall be adopted if a majority of all members of the senate vote for it.

Article 432
(Record of consultation and voting)

(1) A special record shall be made of consultation and voting.

(2) The record of consultation and voting shall include the voting procedure and the decision adopted.

(3) Specific opinions shall be enclosed with the record on consultation and voting, unless they are entered therein.

(4) The record on consultation and voting shall be signed by all members of the senate and by the recording clerk.

(5) The record of consultation and voting shall be placed in a special envelope. This record shall be reviewed only by the court in deciding in the administrative dispute. In this case, the court shall again place the record back into the special envelope and indicate on the

433. člen
(izjave strank)

(1) Stranke dajejo svoje izjave pisno.

(2) V primeru iz drugega odstavka 435. člena tega zakona lahko stranke dajejo svoje izjave tudi ustno na obravnavi.

434. člen
(možnost izjave)

(1) Agencija za zavarovalni nadzor pred izdajo odločbe, ki jo izda po uradni dolžnosti in proti kateri ni ugovora, stranko pozove, da se izjavi o dejstvih in okoliščinah, ki so pomembni za odločitev, če zakon v posameznem primeru ne določa drugačnega načina zagotovitve možnosti stranki, da se izjavi.

(2) Poziv iz prejšnjega odstavka vsebuje:
1. določno navedbo dejstev in okoliščin, o katerih naj se stranka izjavi, in dokazov, iz katerih ta dejstva izhajajo;
2. rok za izjavo, ki ne sme biti krajši od osmih dni;
3. pouk stranki, da izjavi priloži listinske dokaze, če se nanje sklicuje, in da po poteku roka za izjavo ne bo imela pravice navajati novih dejstev in predlagati novih dokazov.

(3) V izjavi lahko stranka navaja dejstva, iz katerih izhaja, da dejstva in okoliščine, navedene v pozivu iz prvega odstavka tega člena, ne obstajajo, in predlaga dokaze, s katerimi dokazuje obstoj zatrjevanih dejstev. Če se stranka v izjavi sklicuje na listinske dokaze, jih priloži izjavi.

(4) Če stranka izjavi ne priloži listinskih dokazov, se ne uporabljajo določbe o nepopolnih vlogah, temveč Agencija za zavarovalni nadzor pri odločanju upošteva zgolj tiste dokaze, ki so priloženi izjavi.

envelope that the record has been reviewed.

Article 433
(Statements of the parties)

(1) Parties shall make their statements in writing.

(2) In the case referred to in paragraph two of Article 435 of this Act, parties may also make oral statements at a hearing.

Article 434
(Possibility of making a statement)

(1) Prior to issuing a decision, which shall be issued *ex officio* and against which no appeal shall be allowed, the Insurance Supervision Agency shall call on the party to provide a statement on the facts and circumstances relevant to the decision, provided that an Act does not lay down an alternative manner of providing the party with a method of making a statement in an individual matter.

(2) The call referred to in the preceding paragraph shall contain:
1. an explicit statement of the facts and circumstances on which the party is supposed to make a statement and evidence proving those facts;
2. a deadline for the statement which may not be less than eight days;
3. an instruction to the party that documentary evidence must be attached to the statement if referred to it, and that after the expiry of the deadline for the statement they shall not be entitled to introduce new facts and present new evidence.

(3) In the statement, the party may state facts from which it arises that the facts and circumstances stated in the call referred to in paragraph one of this Article do not exist, and may submit evidence proving the existence of asserted facts. If the party refers to documentary evidence in the statement, such evidence must be enclosed.

(4) If a party fails to enclose documentary evidence with the statement, the provisions on incomplete applications shall not apply, but in reaching a decision, the Insurance Supervision Agency shall consider only

(5) Po poteku roka za izjavo stranka nima pravice navajati novih dejstev in predlagati novih dokazov.

435. člen
(odločanje)

(1) Agencija za zavarovalni nadzor odloča brez naroka.

(2) Ne glede na prejšnji odstavek Agencija za zavarovalni nadzor lahko razpiše ustno obravnavo:
1. če je treba za razjasnitev ali ugotovitev odločilnih dejstev zaslišati stranko, priče ali izvedence,
2. če sta v postopku udeleženi dve ali več strank z nasprotujočimi si interesi,
3. v drugih primerih, če presodi, da je to koristno za razjasnitev zadeve.

436. člen
(vrste odločb)

(1) Agencija za zavarovalni nadzor izdaja odločbe v obliki odločb, sklepov in odredb.

(2) Proti odločbam Agencije za zavarovalni nadzor ni pritožbe.

437. člen
(odločba)

Z odločbo Agencija za zavarovalni nadzor odloča o izdaji in odvzemu dovoljenj in o drugih zadevah, razen o tistih, za katere zakon določa, da o njih odloča s sklepom ali odredbo.

438. člen

the evidence enclosed with the statement.

(5) After the expiry of the deadline for making a statement, a party shall not have the right to introduce new facts and present new evidence.

Article 435
(Decision-making)

(1) The Insurance Supervision Agency shall adopt decisions without a hearing.

(2) Notwithstanding the preceding paragraph, the Insurance Supervision Agency may call an oral hearing:
1. if the party, witnesses or experts need to be heard, in order to clarify or determine relevant facts,
2. if there is a conflict of interest among two or more parties participating in the procedure,
3. in other cases, if considered necessary for clarifying the matter.

Article 436
(Types of decisions)

(1) The Insurance Supervision Agency shall issue decisions in the form of decisions, procedural decisions and orders.

(2) No appeal shall be allowed against the decisions of the Insurance Supervision Agency.

Article 437
(Decision)

By means of a decision, the Insurance Supervision Agency shall reach decisions on issuing and withdrawing authorisations and on other matters, with the exception of those for which an Act lays down that they should be decided by means of a procedural decision or an order.

Article 438

(oblika in vročitev odločbe)

(1) Odločba se izda pisno.

(2) Izvirnik odločbe podpiše predsednik senata.

(3) Strankam se vroči overjen prepis odločbe.

439. člen
(sestavni deli odločbe)

(1) Vsaka odločba obsega uvod, izrek in pouk o pravnem sredstvu.

(2) Poleg podatkov, ki jih obsega uvod odločbe po zakonu, ki ureja splošni upravni postopek, odločba Agencije za zavarovalni nadzor obsega tudi ime in priimek predsednika ter članov senata, ki so sodelovali pri odločanju.

(3) Odločba je obrazložena, če zakon ne določa drugače. V obrazložitvi so obrazloženi tudi tisti sklepi, proti katerim ni dovoljen poseben postopek sodnega varstva.

(4) Ugotovitvena odločba, s katero Agencija za zavarovalni nadzor ugotovi nastop določenega dejstva na podlagi določb tega zakona, ima lahko skrajšano obrazložitev, ki vsebuje samo sklicevanje na predpise, na podlagi katerih se izdaja ugotovitvena odločba.

(5) Odločba, s katero Agencija za zavarovalni nadzor v postopku, začetem na predlog stranke, ugodi zahtevku stranke, ima lahko skrajšano obrazložitev, ki vsebuje samo kratko obrazložitev strankinega zahtevka in sklicevanje na predpise, na podlagi katerih je bilo o zadevi odločeno.

(Form and service of a decision)

(1) A decision shall be issued in writing.

(2) The original decision shall be signed by the president of the senate.

(3) A certified copy of the decision shall be served upon the parties.

Article 439
(Constituent parts of a decision)

(1) Each decision shall include an introduction, an operative part and a legal caution on legal remedies.

(2) In addition to the data included in the introduction of a decision pursuant to the Act governing general administrative procedure, a decision of the Insurance Supervision Agency shall also include the name and surname of the president of the senate and the senate members which participated in the decision-making process.

(3) The decision shall be substantiated, unless otherwise provided by an Act. The substantiations shall also include substantiations of those procedural decisions against which a special proceeding of judicial protection are not allowed.

(4) A declaratory decision by means of which the Insurance Supervision Agency identifies the existence of a specific fact based on the provisions of this Act, may have brief substantiations that include only references to the regulations on the basis of which the declaratory decision is issued.

(5) A decision by means of which the Insurance Supervision Agency satisfies the claim of a party in a procedure initiated upon the proposal of the party may have brief substantiations that include only a short explanation of the party’s claim and the references to the regulations on the basis of which the decision on the matter was reached.

440. člen
(sklep)

(1) S sklepom odloča Agencija za zavarovalni nadzor o vprašanjih, ki se tičejo postopka ali se pojavijo v zvezi s postopkom.

(2) Sklep je obrazložen in vsebuje pouk o pravnem sredstvu samo, če je proti sklepu dovoljen poseben postopek sodnega varstva.

(3) Za sklep se smiselno uporabljajo določbe 438. in 439. člena tega zakona.

(4) Poseben postopek sodnega varstva je dovoljen samo zoper sklep, zoper katerega je po določbah zakona, ki ureja splošni upravni postopek, dovoljena pritožba.

10.2. *Postopek sodnega varstva*

10.2.1. Skupne določbe

441. člen
(postopek sodnega varstva)

(1) Proti odločbam Agencije za zavarovalni nadzor je dovoljeno začeti postopek sodnega varstva.

(2) Za postopek sodnega varstva iz prejšnjega odstavka se uporabljajo določbe zakona, ki ureja upravni spor, če ni s tem zakonom določeno drugače.

442. člen
(pravica do sodnega varstva)

Article 440
(Procedural decision)

(1) The Insurance Supervision Agency shall decide by means of a procedural decision on issues relating to, or in connection with, a procedure.

(2) A procedural decision shall be substantiated and include a legal caution on legal remedies only if a special proceeding of judicial protection against the procedural decision is allowed.

(3) The provisions of Articles 438 and 439 of this Act shall apply, *mutatis mutandis*, to a procedural decision.

(4) A special proceeding of judicial protection shall be allowed only against a procedural decision against which an appeal is permitted pursuant to the provisions of the Act governing general administrative procedure.

10.2. *Judicial protection proceedings*

10.2.1. Common provisions

Article 441
(Judicial protection proceedings)

(1) Judicial protection proceedings may be initiated against decisions of the Insurance Supervision Agency.

(2) Unless otherwise provided by this Act, the provisions of the Act governing administrative dispute shall apply to the judicial protection proceedings referred to in the preceding paragraph.

Article 442
(Right to judicial protection)

Proti odločbi, s katero Agencija za zavarovalni nadzor začne postopek za odvzem dovoljenja, ni posebnega postopka sodnega varstva. Odločba iz prejšnjega stavka se lahko izpodbija s tožbo v postopku sodnega varstva proti odločbi o odvzemu dovoljenja.

443. člen
(pristojnost in sestava sodišča)

V postopku sodnega varstva odloča Upravno sodišče Republike Slovenije v senatu treh sodnikov.

444. člen
(prednostno odločanje)

Zadeve v postopku sodnega varstva po tem zakonu so nujne in o njih sodišče odloča prednostno.

445. člen
(črtan)

446. člen
(nova dejstva in dokazi)

Tožnik v postopku sodnega varstva ne more navajati novih dejstev in predlagati novih dokazov.

447. člen
(meje preizkusa)

Sodišče preizkusi odločbo Agencije za zavarovalni nadzor v mejah tožbenega zahtevka in v mejah razlogov, ki so navedeni v tožbi, pri tem pa po uradni dolžnosti pazi na bistvene kršitve določb postopka, kot jih določa zakon, ki ureja upravni spor.

No special judicial protection proceedings are allowed against a decision by means of which the Insurance Supervision Agency initiates a procedure to withdraw authorisation. The decision referred to in the preceding sentence may be challenged by means of an action in judicial protection proceedings against a decision to withdraw authorisation.

Article 443
(Competences and composition of the court)

Decisions in judicial protection proceedings shall be made by the Administrative Court of the Republic of Slovenia acting through a panel of three judges.

Article 444
(Priority decision-making)

Matters subject to judicial protection proceedings shall be accorded priority treatment under this Act and shall be subject to priority decision by the court.

Article 445
(Deleted)

Article 446
(New facts and evidence)

A plaintiff in judicial protection proceedings may not introduce new facts and present new evidence.

Article 447
(Limits of testing)

The court shall test the Insurance Supervision Agency's decision within the limits of the statements in the claim and within the limits of the grounds stated in the action, whereby special attention shall be paid *ex officio* to any significant violation of the procedural provisions

referred to in the Act governing administrative disputes.

448. člen
(seja)

Sodišče odloča brez glavne obravnave.

449. člen
(pravna sredstva)

Proti sodbi oziroma sklepu, izdanem v postopku sodnega varstva, ni pritožbe.

10.2.2. Postopek sodnega varstva proti odločbi o prenehanju zavarovalnice

450. člen
(uporaba določb)

(1) Določbe 10.2.2. pododdelka tega zakona se uporabljajo v postopku sodnega varstva proti odločbi o začetku prisilne likvidacije in proti odločbi o ugotovitvi pogojev za začetek stečaja (v nadaljnjem besedilu: odločba o prenehanju).

(2) Če ni v 10.2.2. pododdelku tega zakona drugače določeno, se v postopku sodnega varstva proti odločbi o prenehanju zavarovalnice oziroma zavarovalnega holdinga uporabljajo določbe 10.2.1. pododdelka tega zakona.

451. člen
(tožnik)

(1) Tožbo proti odločbi o prenehanju lahko vložijo:
1. zavarovalnica,
2. zavarovalni holding,
3. delničarji, katerih skupni deleži dosegajo najmanj desetino osnovnega kapitala zavarovalnice oziroma zavarovalnega holdinga.

Article 448
(Session)

The court shall decide without a main hearing.

Article 449
(Legal remedies)

No appeal shall be allowed against a judgment or decision issued in judicial protection proceedings.

10.2.2. Judicial protection proceedings against the decision on the winding up of an insurance undertaking

Article 450
(Application of provisions)

(1) The provisions of Subsection 10.2.2. of this Act shall apply in judicial protection proceedings against a decision to initiate compulsory liquidation and against a decision identifying the grounds for initiating bankruptcy proceedings (hereinafter: decision on termination).

(2) Unless otherwise provided in Subsection 10.2.2. of this Act, the provisions of Subsection 10.2.1 of this Act shall apply in judicial protection proceedings against a decision on termination of an insurance undertaking or an insurance holding company.

Article 451
(Plaintiff)

(1) An action against a decision on termination may be filed by:
1. an insurance undertaking,
2. an insurance holding company,
3. shareholders whose total shares amount to at least one tenth of the share capital of the insurance undertaking or insurance holding

(2) Če je tožnik zavarovalnica, jo v postopku sodnega varstva zastopa uprava, ki so ji zaradi odločbe o prenehanju zavarovalnice prenehala druga pooblastila in pristojnosti.

company.

(2) If the plaintiff in judicial protection proceedings is an insurance undertaking, it shall be represented by its management board whose other authorisations and competences were terminated due to the decision on termination of the insurance undertaking.

452. člen
(nova dejstva in dokazi)

(1) Ne glede na določbo 446. člena tega zakona lahko tožnik v tožbi proti odločbi o prenehanju zavarovalnice navaja nova dejstva in nove dokaze. Če se v tožbi sklicuje na listinske dokaze, te dokaze priloži tožbi.

(2) Agencija za zavarovalni nadzor lahko v odgovoru na tožbo navaja nova dejstva in nove dokaze. Če se v odgovoru na tožbo sklicuje na listinske dokaze, te dokaze priloži odgovoru na tožbo.

(3) Če tožnik oziroma Agencija za zavarovalni nadzor tožbi oziroma odgovoru na tožbo ne priloži listinskih dokazov, na katere se sklicuje, se ne uporabljajo določbe o nepopolnih vlogah, temveč sodišče pri odločanju upošteva zgolj tiste dokaze, ki so tožbi oziroma odgovoru na tožbo priloženi.

(4) Po izteku roka za vložitev tožbe oziroma odgovora na tožbo stranke nimajo pravice navajati novih dejstev in predlagati novih dokazov.

Article 452
(New facts and evidence)

(1) Notwithstanding the provision of Article 446 of this Act, the plaintiff may introduce new facts and present new evidence in an action against a decision on termination of an insurance undertaking. If the plaintiff refers to documentary evidence in the action, such evidence shall be enclosed.

(2) The Insurance Supervision Agency may introduce new facts and present new evidence in its statement of defence. If it refers to documentary evidence in the statement of defence, such evidence shall be enclosed.

(3) If the plaintiff or the Insurance Supervision Agency fails to enclose the documentary evidence to which it refers in the action or the statement of defence, the provisions on incomplete applications shall not apply but the court shall consider only the evidence that was enclosed with the action or the statement of defence in reaching its decision.

(4) After the expiry of the deadline for filing an action or providing a statement of defence, the parties shall have no right to introduce new facts or present new evidence.

453. člen
(glavna obravnava in seja)

(1) Sodišče odloči po opravljeni glavni obravnavi.

(2) Sodišče lahko odloči brez glavne obravnave, če v pripravljalnem postopku ugotovi, da je bilo dejansko stanje v postopku

Article 453
(Main hearing and session)

(1) The court shall reach a decision after the conclusion of the main hearing.

(2) The court may reach a decision without a main hearing, if in the preliminary proceedings it determines that the factual situation in the

izdaje odločbe o prenehanju zavarovalnice popolno in pravilno ugotovljeno ali da to ni sporno.

454. člen
(odločanje)

(1) Če sodišče ugotovi, da so podani razlogi, zaradi katerih bi lahko po določbah zakona, ki ureja upravni spor, upravni akt odpravilo in s sodbo odločilo o stvari, odločbe o prenehanju zavarovalnice ne odpravi, temveč s sodbo samo ugotovi, da je odločba o prenehanju zavarovalnice nezakonita in da ni bilo pogojev za začetek prisilne likvidacije oziroma stečaja.

(2) Sodba iz prejšnjega odstavka ne vpliva na tek postopka prisilne likvidacije oziroma stečaja.

(3) V primeru iz prvega odstavka tega člena lahko delničarji uveljavijo morebitne odškodninske zahtevke proti Agenciji za zavarovalni nadzor v pravdi.

(4) Proti sodbi, s katero sodišče odloči v postopku sodnega varstva proti odločbi o prenehanju zavarovalnice, je ne glede na 449. člen tega zakona dovoljena pritožba, o kateri odloča Vrhovno sodišče v senatu treh sodnikov.

10.3. *Postopek nadzora*

10.3.1. Splošne določbe

455. člen
(uporaba določb)

(1) Določbe 10.3. oddelka tega zakona o postopku nadzora se uporabljajo v vseh postopkih nadzora, ki ga opravlja Agencija za

procedure for issuing the decision on termination of an insurance undertaking was completely and correctly determined or if this is not contested.

Article 454
(Decision-making)

(1) If the court determines that grounds exist on which it could annul the administrative act and reach a decision in the matter by means of a judgement pursuant to the provisions of the Act governing administrative disputes, it shall not annul the decision on termination of an insurance undertaking, but shall determine in its judgement that the decision on termination of an insurance undertaking is unlawful and that there were no conditions for initiating compulsory liquidation or bankruptcy.

(2) The judgement referred to in the preceding paragraph shall not affect the course of compulsory liquidation or bankruptcy proceedings.

(3) In the case referred to in paragraph one of this Article, shareholders may enforce possible claims for damages against the Insurance Supervision Agency by lodging a law suit.

(4) Notwithstanding Article 449 of this Act, an appeal shall be allowed against the judgement reached by a court in judicial protection proceedings against the decision on termination of an insurance undertaking, and the decision on such an appeal shall be reached by the Supreme Court in a panel of three judges.

10.3. *Supervision procedure*

10.3.1. General Provisions

Article 455
(Application of provisions)

(1) The provisions of Section 10.3. of this Act shall apply in all supervision procedures conducted by the Insurance Supervision Agency

zavarovalni nadzor po tem ali drugem zakonu, če zakon za posamezen postopek nadzora ne določa drugače.

(2) V postopku nadzora se uporabljajo določbe 10.1. in 10.2. oddelkov tega zakona, če ni v 10.3. oddelku tega zakona drugače določeno.

(3) V postopku nadzora se smiselno uporabljajo tudi določbe zakona, ki ureja inšpekcijski nadzor, in sicer poglavja o vstopu v prostore, objekte in k napravam zavezanca ter poglavja o nemotenem opravljanju nalog inšpekcijskega nadzora.

456. člen
(posredovanje podatkov Agenciji za zavarovalni nadzor)

(1) Za izvajanje nalog po tem zakonu državni organi, organi lokalnih skupnosti, nosilci javnih pooblastil ter druge pravne osebe in organizacije, ki razpolagajo s podatki, potrebnimi za odločitev, Agenciji za zavarovalni nadzor na njeno zahtevo posredujejo zahtevane podatke in dokumente, potrebne za izvedbo postopka nadzora, vključno s podatki, ki so v skladu z določbami zakona, ki ureja gospodarske družbe, določeni kot poslovna skrivnost, in podatki, ki so v skladu z določbami zakona, ki ureja tajne podatke, določeni kot tajni.

(2) Za izvajanje nalog po tem zakonu policija, državno tožilstvo in sodišča Agenciji za zavarovalni nadzor na njeno zahtevo posredujejo vse podatke, vključno z osebnimi podatki, povezanimi s predkazenskimi in kazenskimi postopki, ki so se začeli zaradi domnevnih kršitev določb tega zakona zoper osebe, nad katerimi Agencija za zavarovalni nadzor opravlja nadzor.

(3) Osebe iz prvega ali drugega odstavka tega člena podatke iz prvega ali drugega odstavka tega člena posredujejo ne glede na pravila o dopustnosti posredovanja teh podatkov, pri čemer upoštevajo pravila, ki določajo varnostne ukrepe ob posredovanju podatkov. Agencija za zavarovalni nadzor zagotovi varstvo njej posredovanih podatkov.

457. člen

pursuant to this Act or any other Act, unless otherwise provided by an Act for a particular supervision procedure.

(2) The provisions of Sections 10.1. and 10.2. of this Act shall apply in the supervision procedure, unless otherwise provided in Section 10.3. of this Act.

(3) In the supervision procedure the provisions of the Act governing inspection shall also apply, *mutatis mutandis*, in particular the Chapters on entry into premises, facilities and devices of the liable entity and Chapters on the uninterrupted performance of inspection tasks.

Article 456
(Providing data to the Insurance Supervision Agency)

(1) In order to carry out tasks pursuant to this Act, state authorities, local authorities, holders of public authority and other legal persons and organisations which have data required for reaching a decision shall provide the Insurance Supervision Agency, upon its request, with the required data and documentation needed to conduct a supervision procedure, including data designated as a business secret pursuant to the Act governing companies and data designated as classified by the Act governing classified information.

(2) For the performance of tasks under this Act, the police, public prosecutor's office and courts shall, upon its request, provide the Insurance Supervision Agency with all information, including personal data related to pre-trial and criminal proceedings initiated for alleged violations of the provisions of this Act against persons supervised by the Insurance Supervision Agency.

(3) Persons referred to in paragraph one or two of this Article shall provide the data referred to in paragraph one or two of this Article notwithstanding the rules on the admissibility of providing such data, but taking into account the rules on the security measures required when providing data. The Insurance Supervision Agency shall provide security for the data it receives.

Article 457

(stranka postopka nadzora)

(1) Stranka postopka nadzora je oseba, nad katero Agencija za zavarovalni nadzor opravlja nadzor (v nadaljnjem besedilu: subjekt nadzora).

(2) Subjekt nadzora nad zavarovalnico so tudi člani uprave zavarovalnice in poslovodstvo zavarovalnega holdinga.

458. člen
(vročanje)

(1) Spis se subjektu nadzora, ki je pravna oseba ali samostojni podjetnik posameznik, vroči tako, da se izroči osebi, ki je pooblaščena za sprejem, ali delavcu, ki se najde v pisarni oziroma poslovnem prostoru.

(2) Vročitve članom uprave zavarovalnice oziroma poslovodstvu zavarovalnega holdinga se opravljajo z vročanjem zavarovalnici oziroma zavarovalnemu holdingu. Šteje se, da je z vročitvijo zavarovalnici oziroma zavarovalnemu holdingu opravljena tudi vročitev članom uprave oziroma poslovodstvu.

(3) Kadar stranko v postopku nadzora zastopa odvetnik, se šteje, da je vročitev stranki opravljena, če je spis vročen odvetniku oziroma zaposlenemu v odvetniški pisarni.

(4) Subjektu nadzora, ki ni oseba iz prvega, drugega oziroma tretjega odstavka tega člena, se spisi vročijo tako, da se mu izročijo v stanovanju ali poslovnem prostoru osebe, pri kateri je zaposlen.

459. člen
(nadomestna osebna vročitev)

Za nadomestno osebno vročitev se uporabljajo določbe o obveznem osebnem vročanju, kot jih določa zakon, ki ureja upravni

(Party to the supervision procedure)

(1) A party to the supervision procedure shall be a person that is the subject of supervision by the Insurance Supervision Agency (hereinafter: subject of supervision).

(2) The subject of supervision of an insurance undertaking shall include members of the management board of an insurance undertaking and the management of an insurance holding company.

Article 458
(Service)

(1) A file shall be served on the subject of supervision that is a legal person or a sole trader by delivering it to a person authorised to accept it or to an employee found at the offices or business premises.

(2) Service on members of the management board of an insurance undertaking or to the management of an insurance holding company shall be conducted by serving on the insurance undertaking or insurance holding company. It shall be deemed that a file has been served on the members of the management board or the management if it has been served on the insurance undertaking or insurance holding company.

(3) Where a party in the procedure of supervision is represented by an attorney, it shall be deemed that the party has been served if the file is served upon the attorney or an employee of the law firm.

(4) Files shall be served on a subject of supervision that is not a person referred to in paragraphs one, two, or three of this Article by delivering them at their residence or business premises of their employment.

Article 459
(Substitute personal service)

The provisions concerning mandatory personal service as provided by the Act governing administrative procedure shall apply to

postopek.

460. člen
(vodenje postopka in izrekanje ukrepov nadzora)

(1) Agencija za zavarovalni nadzor vodi postopek nadzora in izreka ukrepe nadzora po uradni dolžnosti.

(2) Agencija za zavarovalni nadzor lahko izreče ukrep nadzora zavarovalnici tudi na predlog člana uprave ali nadzornega sveta zavarovalnice ali delničarjev, katerih skupni deleži dosegajo najmanj desetino osnovnega kapitala zavarovalnice, če na podlagi predloga ugotovi, da obstajajo razlogi za izrek ukrepa nadzora po uradni dolžnosti.

(3) Agencija za zavarovalni nadzor lahko izreče ukrep nadzora zavarovalnemu holdingu tudi na predlog poslovodstva zavarovalnega holdinga ali lastnikov, katerih skupni deleži dosegajo najmanj desetino osnovnega kapitala zavarovalnega holdinga, če na podlagi predloga ugotovi, da obstajajo razlogi za izrek ukrepa nadzora po uradni dolžnosti.

(4) Agencija za zavarovalni nadzor lahko začne postopek nadzora nad drugo osebo iz 275. člena tega zakona na podlagi prijave tržnega inšpektorja oziroma drugega pristojnega državnega organa, če na podlagi prijave ugotovi, da obstajajo razlogi za vodenje postopka nadzora po uradni dolžnosti, po uradni dolžnosti pa takrat, kadar iz informacij, ki jih pridobi pri opravljanju nadzora nad zavarovalnicami ali v zvezi z izvrševanjem drugih svojih pristojnosti, izhaja, da obstajajo razlogi za vodenje postopka nadzora po uradni dolžnosti.

10.3.2. Odredba o odpravi kršitev

461. člen
(uporaba določb o odredbi o odpravi kršitev)

substitute personal service.

Article 460
(Conducting the procedure and imposing supervisory measures)

(1) The Insurance Supervision Agency shall conduct the supervision procedure and impose supervisory measures *ex officio*.

(2) The Insurance Supervision Agency may impose a supervisory measure against an insurance undertaking also on the proposal of a member of the management board or the supervisory board of an insurance undertaking, or of shareholders whose aggregate shares amount to at least a tenth of the share capital of an insurance undertaking, provided that on the basis of such proposal it identifies grounds for imposing a supervisory measure *ex officio*.

(3) The Insurance Supervision Agency may impose a supervisory measure against an insurance holding company also on the proposal of the management of an insurance holding company or shareholders whose aggregate shares amount to at least a tenth of the share capital of an insurance holding company, provided that on the basis of such proposal it identifies grounds for imposing a supervisory measure *ex officio*.

(4) The Insurance Supervision Agency may initiate a supervision procedure against another person referred to in Article 275 of this Act based on a report by a market inspector or any other competent government authority, provided that it discovers based on the report that there are grounds for conducting a supervision procedure *ex officio*, and it shall initiate a procedure ex officio if it is evident from the information obtained while conducting supervision of insurance undertakings or in relation to its other competences that there are grounds for conducting a supervision procedure *ex officio*.

10.3.2. Order to eliminate violations

Article 461
(Application of provisions regarding order to eliminate violations)

(1) Določbe 10.3.2. pododdelka tega zakona se uporabljajo za postopek izdaje odredbe o odpravi kršitev iz 302. člena tega zakona.

(2) Določbe 10.3.2. pododdelka tega zakona se smiselno uporabljajo tudi za postopek:
- izdaje odredbe o dodatnem ukrepu nadzora za uresničevanje pravil o upravljanju tveganj iz 308. člena tega zakona in
- izdaje odredbe o prenehanju opravljanja zavarovalnih poslov oziroma o prenehanju opravljanja dejavnosti zavarovalnega zastopanja oziroma posredovanja iz 351. in 353. člena tega zakona.

462. člen
(vsebina odredbe o odpravi kršitev)

(1) Izrek odredbe o odpravi kršitev obsega:

- določen opis kršitev, katerih odprava je z odredbo o odpravi kršitev naložena,
- rok, v katerem subjekt nadzora odpravi kršitve in predloži poročilo o odpravi kršitev,
- način odprave kršitve, kadar Agencija za zavarovalni nadzor subjektu nadzora naloži, da kršitve odpravi na določen način,
- listine oziroma dokaze o odpravi kršitev, kadar Agencija za zavarovalni nadzor subjektu nadzora naloži, da o odpravi kršitev predloži določene listine oziroma druge dokaze.

(2) Odredba o odpravi kršitev je obrazložena.

463. člen
(ugovor proti odredbi o odpravi kršitev)

(1) Proti odredbi o odpravi kršitev ima subjekt nadzora pravico vložiti ugovor v osmih dneh od vročitve.

(1) The provisions of Subsection 10.3.2. of this Act shall apply to the procedure of issuing an order to eliminate the violations referred to in Article 302 of this Act.

(2) The provisions of Subsection 10.3.2. of this Act shall also apply, *mutatis mutandis*, to the procedure:
- for issuing an order on additional supervisory measure for implementing risk management rules referred to in Article 308 of this Act and
- for issuing an order to cease conducting insurance business or to cease conducting services related to insurance agency or brokerage referred to in Articles 351 and 353 of this Act.

Article 462
(Content of the order to eliminate violations)

(1) The operative part of the order to eliminate violations shall include:
- a specific description of the violations whose elimination has been imposed by the order to eliminate violations,
- the deadline within which the subject of supervision shall eliminate violations and submit a report on the elimination of violations,
- the manner of eliminating violations when the Insurance Supervision Agency orders the subject of supervision to eliminate violations in a certain manner,
- documents or evidence of elimination of violations when the Insurance Supervision Agency imposes on the subject of supervision to submit specific documents or other evidence regarding the elimination of violations.

(2) The order to eliminate violations shall be substantiated.

Article 463
(Objection against order to eliminate violations)

(1) The subject of supervision shall have the right to file an objection against the order to eliminate violations within eight days of it being served.

(2) Če je upravičena oseba pravočasno vložila ugovor, se rok za odpravo kršitev, določen z odredbo o odpravi kršitev, podaljša za čas od vložitve ugovora do vročitve odločbe o ugovoru.

(3) Ne glede na prejšnji odstavek lahko Agencija za zavarovalni nadzor z odredbo o odpravi kršitev odloči, da ugovor ne zadrži izvršitve, če zaradi narave kršitve z izvršitvijo odredbe o odpravi kršitev ni mogoče odlašati.

(4) O ugovoru Agencija za zavarovalni nadzor odloči v roku 15 dni od prejema ugovora.

(5) Pravico vložiti ugovor proti odredbi o odpravi kršitev, s katero je Agencija za zavarovalni nadzor odredila dodatni ukrep iz 5. točke prvega odstavka 308. člena tega zakona, ima tudi član uprave zavarovalnice oziroma član poslovodstva zavarovalnega holdinga, na katerega se nanaša.

464. člen
(razlogi za ugovor)

Ugovor proti odredbi o odpravi kršitev je dopusten, če:

1. je odredbo o odpravi kršitev izdala oseba, ki ni bila pristojna za izdajo odredbe;
2. kršitev, katere odprava je z odredbo o odpravi kršitev naložena, ni podana;
3. dejanje oziroma opustitev, ki je bila razlog za izdajo odredbe o odpravi kršitev, nima znakov kršitve;
4. odredbe o odpravi kršitev ni mogoče izvršiti;
5. bi izvršitev odredbe o odpravi kršitev povzročila kakšno dejanje, ki je v nasprotju s prisilnimi predpisi;
6. je bila z odredbo o odpravi kršitev naložena odprava kršitev osebi, nad katero Agencija za zavarovalni nadzor ni pristojna opravljati nadzora;
7. je z odredbo o odpravi kršitev v nasprotju z zakonom naložena

(2) If an authorised person filed the objection in due time, the deadline for the elimination of violations set by the order to eliminate violations shall be extended for the duration of the period from filing the objection to the service of the decision on the objection.

(3) Notwithstanding the preceding paragraph, the Insurance Supervision Agency may by an order to eliminate violations decide that the objection shall not stay the execution if, due to the nature of the violation, the execution of the order to eliminate violations cannot be delayed.

(4) The Insurance Supervision Agency shall reach a decision on the objection within 15 days of receiving the objection.

(5) The member of the management board of an insurance undertaking or a member of the management of an insurance holding company to whom the violation refers shall also have the right to file an objection to the order to eliminate violations by which the Insurance Supervision Agency ordered the implementation of the additional measure referred to in point 5 of paragraph one of Article 308 of this Act.

Article 464
(Grounds for objection)

An objection against an order to eliminate violations is admissible if:

1. the order to eliminate violations was issued by a person who is not competent to issue an order;
2. a violation whose elimination is required by the order to eliminate violations is not established;
3. an act or omission which represents the grounds for issuing the order to eliminate violations does not involve elements of a violation;
4. the order to eliminate violations cannot not be executed;
5. the execution of the order to eliminate violations would cause an act which is contrary to the mandatory regulations;
6. the order to eliminate violations requires the execution of the elimination of violations by a person the supervision of whom does not lie within the competence of the Insurance Supervision Agency;
7. the submission of a report by a certified auditor regarding the

predložitev poročila pooblaščenega revizorja o odpravi kršitev;

8. je v odredbi o odpravi kršitev zmotno ali nepopolno ugotovljeno dejansko stanje.

465. člen
(vsebina ugovora)

(1) Ugovor obsega:
1. navedbo odredbe o odpravi kršitev, proti kateri se vlaga;
2. izjavo, da se odredba o odpravi kršitev izpodbija v celoti ali v določenem delu;
3. razloge za ugovor;
4. druge podatke, ki jih obsega vsaka vloga.

(2) V ugovoru lahko subjekt nadzora navaja dejstva, iz katerih izhaja, da kršitve, katerih odprava mu je bila z odredbo o odpravi kršitev naložena, niso podane, in predlaga dokaze, s katerimi dokazuje obstoj zatrjevanjih dejstev. Če se subjekt nadzora v izjavi sklicuje na listinske dokaze, te dokaze priloži ugovoru.

(3) Če subjekt nadzora ugovoru ne priloži listinskih dokazov, se ne uporabljajo določbe o nepopolnih vlogah, temveč Agencija za zavarovalni nadzor pri odločanju upošteva zgolj tiste dokaze, ki so priloženi ugovoru.

(4) Po izteku roka za ugovor subjekt nadzora nima pravice navajati novih dejstev in predlagati novih dokazov.

466. člen
(meje preizkusa odredbe o odpravi kršitev)

Agencija za zavarovalni nadzor preizkusi odredbo o odpravi kršitev v tistem delu, v katerem se izpodbija z ugovorom in v mejah razlogov, navedenih in obrazloženih v ugovoru.

elimination of violations has been imposed through the order to eliminate violations, contrary to an Act;
8. the factual situation has been erroneously or incompletely determined in the order to eliminate violations.

Article 465
(Content of objection)

(1) An objection shall include:
1. a reference to the order to eliminate violations against which an objection is filed;
2. a statement as to whether the order to eliminate violations is challenged in its entirety or in part;
3. grounds for objection;
4. other data included in each application.

(2) In an objection, the subject of supervision may state facts showing that there are no violations whose elimination was required by the order to eliminate violations, and may also present evidence proving the existence of the facts stated. If the subject of supervision refers to documentary evidence in the statement, such evidence shall be enclosed with the objection.

(3) If the subject of supervision does not enclose documentary evidence with the objection, the provisions on incomplete applications shall not apply, but the Insurance Supervision Agency shall consider only the evidence enclosed with the objection in the decision-making process.

(4) After expiry of the deadline for an objection, the subject of supervision shall have no right to introduce new facts or present new evidence.

Article 466
(Limits of testing an order to eliminate violations)

The Insurance Supervision Agency shall test the order to eliminate violations in the part in which it is challenged by an objection and within the limits of the grounds stated and explained in the objection.

467. člen
(odločanje o ugovoru)

(1) O ugovoru odloča Agencija za zavarovalni nadzor z odločbo.

(2) Pri odločanju o ugovoru lahko Agencija za zavarovalni nadzor ugovor zavrže ali zavrne ali pa spremeni odredbo o odpravi kršitev ali jo odpravi.

(3) Agencija za zavarovalni nadzor ugovor zavrže, če ugovor ni dovoljen, če je prepozen ali če ga je vložila neupravičena oseba.

(4) Če Agencija za zavarovalni nadzor ugotovi, da je podan razlog iz 1., 2., 3. ali 6. točke 464. člena tega zakona, odpravi odredbo o odpravi kršitev.

(5) Če Agencija za zavarovalni nadzor ugotovi, da je podan razlog iz 4., 5., 7. ali 8. točke 464. člena tega zakona, glede na naravo kršitve odpravi odredbo o odpravi kršitev ali jo spremeni. Agencija za zavarovalni nadzor pri odločanju o ugovoru odredbe o odpravi kršitev ne sme spremeniti v škodo subjekta nadzora.

10.3.3. Odvzem dovoljenja

468. člen
(začetek postopka za odvzem dovoljenja)

(1) Agencija za zavarovalni nadzor začne postopek za odvzem dovoljenja, ki ga je izdala, če iz podatkov, s katerimi razpolaga, izhaja utemeljen sum, da je podan kateri od razlogov za odvzem dovoljenja, določen z zakonom.

(2) O začetku postopka za odvzem dovoljenja odloči Agencija za zavarovalni nadzor z odločbo (v nadaljnjem besedilu: odločba o začetku postopka za odvzem dovoljenja).

Article 467
(Decision-making on an objection)

(1) The Insurance Supervision Agency shall adopt a decision on the objection by a decision.

(2) In deciding on an objection, the Insurance Supervision Agency may reject or dismiss or modify the order to eliminate violations or annul it.

(3) The Insurance Supervision Agency shall reject an objection if the objection is not allowed, if it is filed too late, or if it is filed by an unauthorised person.

(4) If the Insurance Supervision Agency identifies the existence of grounds referred to in points 1, 2, 3 or 6 of Article 464 of this Act, it shall annul the order to eliminate violations.

(5) If the Insurance Supervision Agency identifies the existence of grounds referred to in points 4, 5, 7 or 8 of Article 464 of this Act, it shall either annul or modify the order to eliminate violations, depending on the nature of the violation. In deciding on the objection, the Insurance Supervision Agency shall not modify the order to eliminate violations to the detriment of the subject of supervision.

10.3.3. Withdrawal of authorisation

Article 468
(Initiation of procedure to withdraw authorisation)

(1) The Insurance Supervision Agency shall initiate a procedure to withdraw authorisation issued by it, when the available information points to a reasonable suspicion that there exist grounds in an Act for withdrawing authorisation.

(2) The Insurance Supervision Agency shall decide on initiation of the procedure to withdraw authorisation by a decision (hereinafter: decision on initiation of a procedure to withdraw authorisation).

(3) Odločba o začetku postopka za odvzem dovoljenja obsega:

1. določen opis dejanja, ravnanj ali okoliščin, ki so razlog za začetek postopka;
2. navedbo listin in drugih dokazov, na podlagi katerih je Agencija za zavarovalni nadzor zaključila, da obstaja utemeljen sum iz prvega odstavka tega člena;
3. obrazložitev odločitve o začetku postopka.

(4) V odločbi o začetku postopka za odvzem dovoljenja Agencija za zavarovalni nadzor določi tudi rok, ki ne sme biti krajši od 15 dni, šteto od dneva vročitve odločbe subjektu nadzora, v katerem se subjekt nadzora lahko izjavi o razlogih za začetek postopka (v nadaljnjem besedilu: izjava o razlogih za odvzem dovoljenja).

469. člen
(izjava o razlogih za odvzem dovoljenja)

(1) V izjavi o razlogih za odvzem dovoljenja lahko subjekt nadzora navaja dejstva, iz katerih izhaja, da odvzem dovoljenja ni utemeljen, in predlaga dokaze, s katerimi dokazuje obstoj zatrjevanih dejstev. Če se subjekt nadzora v izjavi sklicuje na listinske dokaze, te dokaze priloži izjavi.

(2) Če subjekt nadzora izjavi o razlogih za odvzem dovoljenja ne priloži listinskih dokazov, se ne uporabljajo določbe tega zakona o nepopolnih vlogah, temveč Agencija za zavarovalni nadzor pri odločanju upošteva zgolj tiste dokaze, ki so izjavi priloženi.

(3) Po izteku roka za izjavo o razlogih za odvzem dovoljenja subjekt nadzora nima pravice navajati novih dejstev in predlagati novih dokazov.

470. člen

(3) A decision on initiation of a procedure to withdraw authorisation shall include:

1. a specific description of an act, activities or circumstances which are the grounds for initiating the procedure;
2. a reference to documents and other evidence on the basis of which the Insurance Supervision Agency established that there is a reasonable suspicion as referred to in paragraph one of this Article;
3. a substantiation of the decision to initiate the procedure.

(4) In the decision on the initiation of a procedure to withdraw authorisation, the Insurance Supervision Agency shall also determine a deadline which may not be shorter than 15 days from the date of service of the decision on the subject of supervision, within which period the subject of supervision may make a statement on the grounds for initiating the procedure (hereinafter: statement of grounds for withdrawing authorisation).

Article 469
(Statement of grounds for withdrawing authorisation)

(1) In the statement of grounds for withdrawing authorisation, the subject of supervision may state facts showing that no grounds for withdrawing authorisation exist, and submit evidence proving the existence of the asserted facts. If the subject of supervision refers to documentary evidence in the statement, such evidence shall be enclosed with the statement.

(2) If the subject of supervision does not enclose documentary evidence with the statement of grounds for withdrawing an authorisation, the provisions on incomplete applications shall not apply, but the Insurance Supervision Agency shall consider only the evidence enclosed with the statement in the decision-making process.

(3) After the expiry of the deadline for the statement of grounds for withdrawing authorisation, the subject of supervision shall have no right to introduce new facts or present new evidence.

Article 470

(odločanje o odvzemu dovoljenja)

(1) Agencija za zavarovalni nadzor odloči o odvzemu dovoljenja v roku 30 dni od prejema izjave o razlogih za odvzem dovoljenja oziroma od izteka roka za tako izjavo.

(2) Agencija za zavarovalni nadzor sme odločati o odvzemu dovoljenja samo zaradi tistih dejanj, ravnanj ali okoliščin, zaradi katerih je izdala odločbo o začetku postopka za odvzem dovoljenja, in samo na podlagi tistih listin in drugih dokazov, ki so bili navedeni v odločbi o začetku postopka in ki jih je izjavi o razlogih za odvzem dovoljenja priložil subjekt nadzora.

471. člen
(ustavitev postopka)

Agencija za zavarovalni nadzor z odločbo ustavi postopek za odvzem dovoljenja, če:

1. na podlagi dokazov iz drugega odstavka prejšnjega člena zaključi, da dejanje, ravnanje oziroma okoliščine, zaradi katerih je izdala odločbo o začetku postopka za odvzem dovoljenja, nimajo znakov razloga za odvzem dovoljenja, ali

2. na podlagi dokazov iz drugega odstavka prejšnjega člena zaključi, da ni dokazano, da je subjekt nadzora storil dejanje oziroma da so podane okoliščine, zaradi katerih je izdala odločbo o začetku postopka za odvzem dovoljenja.

472. člen
(odločba o odvzemu dovoljenja)

(1) Izrek odločbe o odvzemu dovoljenja obsega:

1. odločitev o odvzemu dovoljenja z navedbo številke in datuma izdaje dovoljenja,
2. firmo in sedež oziroma ime, priimek ter datum rojstva subjekta

(Decision-making on withdrawing authorisation)

(1) The Insurance Supervision Agency shall decide on withdrawing authorisation within 30 days of receiving the statement of grounds for withdrawing authorisation or after the expiry of the deadline for such statement.

(2) The Insurance Supervision Agency may decide on withdrawing authorisation only for those acts, activities or circumstances on the basis of which it issued a decision on initiation of a procedure to withdraw authorisation, and only on the basis of those documents and other evidence stated in the decision on initiation of a procedure and which the subject of the supervision attached to the statement of grounds for withdrawing authorisation.

Article 471
(Suspension of procedure)

The Insurance Supervision Agency shall suspend the procedure to withdraw authorisation by a decision if:

1. it concludes on the basis of the evidence referred to in paragraph two of the preceding Article that the acts, activities or circumstances due to which it issued a decision on initiation of a procedure to withdraw authorisation do not have the elements giving grounds for authorisation to be withdrawn, or
2. it concludes on the basis of the evidence referred to in paragraph two of the preceding Article that it has not been proved that the subject of supervision performed acts or that circumstances exist due to which it issued a decision on initiation of a procedure to withdraw authorisation.

Article 472
(Decision to withdraw authorisation)

(1) The operative part of the decision to withdraw authorisation shall include:

1. the decision to withdraw authorisation including the number and date of issue of the authorisation,
2. the corporate name and head office or the name, surname, and date

nadzora, ki mu je dovoljenje odvzeto, oziroma namesto datuma rojstva EMŠO, kadar je dovoljenje odvzeto samostojnemu podjetniku posamezniku,
3. določen opis dejanja, ravnanj ali okoliščin, ki so razlog za odvzem dovoljenja.

(2) Odločba o odvzemu dovoljenja je obrazložena.

473. člen
(uporaba določb za preklic pogojnega odvzema dovoljenja in za opomin)

Določbe 10.3.3. pododdelka tega zakona se smiselno uporabljajo tudi za postopek preklica pogojnega odvzema dovoljenja in za postopek izreka opomina.

10.4. *Postopek odločanja o izdaji dovoljenj oziroma soglasij*

474. člen
(uporaba določb)

(1) Določbe 10.4. oddelka tega zakona se uporabljajo v postopku odločanja o izdaji dovoljenj ali soglasij, o katerih odloča Agencija za zavarovalni nadzor, če zakon za posamezen postopek izdaje dovoljenja ali soglasja ne določa drugače.

(2) V postopku odločanja o izdaji dovoljenj ali soglasij se uporabljajo določbe 10.1. in 10.2. oddelkov tega zakona, če ni v 10.4. oddelku tega zakona drugače določeno.

475. člen
(taksa za odločanje)

Za odločanje o zahtevah za izdajo dovoljenj ali soglasij in za izdajo dovoljenj ali soglasij, ki jih Agencija za zavarovalni nadzor izdaja po uradni dolžnosti, vložniki ali prejemniki dovoljenj ali soglasij plačajo takso, določeno s tarifo Agencije za zavarovalni nadzor.

of birth of the subject of supervision whose authorisation has been withdrawn, or a personal identification number instead of the date of birth if the authorisation was withdrawn from a sole trader,
3. a specific description of acts, activities or circumstances which are the grounds to withdraw authorisation.

(2) A decision to withdraw authorisation shall be substantiated.

Article 473
(Application of provisions for the revocation of conditional withdrawal of authorisation and for a warning)

The provisions of Subsection 10.3.3. of this Act shall also apply, *mutatis mutandis*, to the procedure for revocation of conditional withdrawal of authorisation and for the procedure of issuing a warning.

10.4. *Decision-making process for issuing authorisation or consent*

Article 474
(Application of provisions)

(1) The provisions of Section 10.4. of this Act shall apply to the decision-making process for issuing authorisation or consent decided upon by the Insurance Supervision Agency, unless otherwise provided by an Act for a particular procedure for issuing authorisation or consent.

(2) The provisions of Sections 10.1. and 10.2. of this Act shall apply to the decision-making process for the issuing of authorisation or consent, unless otherwise provided in Section 10.4. of this Act.

Article 475
(Decision-making fee)

For deciding on applications for authorisation or consent and on issuing authorisation and consent that are issued *ex officio* by the Insurance Supervision Agency, applicants or recipients of authorisation or consent shall pay a fee determined by a tariff of the Insurance Supervision Agency.

476. člen
(stranka v postopku)

(1) Stranka v postopku je vložnik zahteve za izdajo dovoljenja ali soglasja (v nadaljnjem besedilu: vložnik zahteve).

(2) Stranka v postopku je tudi oseba, katere pravni interes utegne biti z odločbo Agencije za zavarovalni nadzor prizadet, če svojo udeležbo v postopku priglasi s pisno vlogo.

(3) Vsaka stranka nosi svoje stroške postopka.

477. člen
(začetek postopka)

(1) Postopek se začne z vložitvijo zahteve za izdajo dovoljenja ali soglasja (v nadaljnjem besedilu: zahteva).

(2) Po uradni dolžnosti ali na zahtevo drugega pristojnega organa začne Agencija za zavarovalni nadzor postopek izdaje dovoljenj ali soglasij samo, kadar tako določa zakon.

478. člen
(vsebina zahteve)

(1) Zahteva obsega:
1. firmo, sedež in matično številko vložnika zahteve, če jo je vložnik že pridobil, oziroma osebno ime, naslov in rojstni datum vložnika zahteve, kadar je ta fizična oseba, in tudi EMŠO, kadar je podana zahteva za izdajo dovoljenja samostojnemu podjetniku posamezniku,
2. določen zahtevek za izdajo dovoljenja ali soglasja,
3. druge podatke, določene z zakonom.

(2) Zahtevi je treba priložiti listine, določene z zakonom, in druge listine, iz katerih izhaja utemeljenost zahtevka za izdajo dovoljenja ali soglasja, ter dokaz o plačilu takse za odločitev o zahtevi.

Article 476
(Party to the procedure)

(1) A party to the procedure shall be the applicant requesting authorisation or consent (hereinafter: applicant).

(2) A party to the procedure shall also be a person whose legal interest might be affected by the decision of the Insurance Supervision Agency if it notifies its participation in the procedure in writing.

(3) Each party shall bear its own costs of the procedure.

Article 477
(Initiation of a procedure)

(1) The procedure shall be initiated with the filling of an application to issue authorisation or consent (hereinafter: application).

(2) The Insurance Supervision Agency shall initiate the procedure to issue authorisation or consent *ex officio* or at the request of another competent authority only where this is laid down by an Act.

Article 478
(Content of an application)

(1) An application shall include:
1. the corporate name, head office and registration number of the applicant, if already obtained, or name, surname, address and date of birth of the applicant, if a natural person, and a personal identification number if an application is submitted for the authorisation of a sole trader,
2. a specific application for issuing authorisation or consent,
3. other data laid down by an Act.

(2) An application shall be accompanied by documents laid down by an Act, and other documents substantiating the application for authorisation or consent, as well as by proof of payment of the decision-making fee.

479. člen
(procesne predpostavke za odločanje)

(1) V postopku predhodnega preizkusa zahteve Agencija za zavarovalni nadzor preizkusi, ali so izpolnjene procesne predpostavke za odločanje o zahtevi, in sicer ali:
1. je zahtevo vložila upravičena oseba,
2. zahteva obsega podatke, ki jih mora obsegati,
3. so zahtevi priložene predpisane listine,
4. je zahtevi priložen dokaz o plačilu takse oziroma nadomestila za delo Agencije za zavarovalni nadzor,
5. so izpolnjene vse druge procesne predpostavke,za odločanje o vlogi.

(2) Če Agencija za zavarovalni nadzor ugotovi, da procesne predpostavke za odločanje o zahtevi niso izpolnjene, gre pa za pomanjkljivosti, ki jih ni mogoče odpraviti, s sklepom zavrže zahtevo.

(3) Če Agencija za zavarovalni nadzor ugotovi, da procesne predpostavke za odločanje o zahtevi niso izpolnjene in je pomanjkljivosti mogoče odpraviti, naloži vložniku s sklepom, da pomanjkljivosti odpravi (v nadaljnjem besedilu: sklep o odpravi pomanjkljivosti). V sklepu določi rok za odpravo pomanjkljivosti, ki ne sme biti krajši od osem dni.

(4) Če vložnik pomanjkljivosti v roku, določenem s sklepom o odpravi pomanjkljivosti, ne odpravi, Agencija za zavarovalni nadzor s sklepom zavrže zahtevo.

(5) Proti sklepu o odpravi pomanjkljivosti ni posebnega postopka sodnega varstva.

(6) Če se zahteva nanaša na izdajo dovoljenja za opravljanje zavarovalnih poslov ali za združitev oziroma delitev, Agencija za zavarovalni nadzor izda sklep o odpravi pomanjkljivosti v dveh mesecih od prejema zahteve, v drugih primerih pa v enem mesecu od prejema

Article 479
(Procedural conditions for decision-making)

(1) In the preliminary testing of an application, the Insurance Supervision Agency shall test whether the procedural conditions for decision-making have been fulfilled, specifically if:
1. the application was filed by an authorised person,
2. the application includes all required data,
3. the required documents have been attached to the application,
4. evidence of payment of the fee or compensation for the work of the Insurance Supervision Agency has been attached to the application,
5. all other procedural conditions regarding decision-making on the application have been met.

(2) If the Insurance Supervision Agency ascertains that procedural conditions for decision making on the application have not been met, and the deficiencies involved cannot be eliminated, it shall reject the application by a procedural decision.

(3) If the Insurance Supervision Agency ascertains that procedural conditions for decision-making on the application have not been met and the deficiency can be eliminated, it shall impose on the applicant by means of a procedural decision to eliminate such deficiencies (hereinafter: procedural decision on elimination of deficiencies). In the procedural decision it shall determine the deadline for the elimination of deficiencies, which may not be less than eight days.

(4) If an applicant fails to eliminate the deficiencies within the deadline set by the procedural decision on elimination of deficiencies, the Insurance Supervision Agency shall reject the application by a procedural decision.

(5) No special judicial protection proceedings are allowed against a procedural decision on elimination of deficiencies.

(6) If an application refers to the issuing of authorisation to conduct insurance business or for a merger or division, the Insurance Supervision Agency shall issue a procedural decision on elimination of deficiencies within two months of receiving the application and, in all other

zahteve.

480. člen
(izvajanje dokazov in odločanje)

(1) V postopku odločanja o zahtevi lahko Agencija za zavarovalni nadzor izvede tudi dokaze, ki jih vložnik ni predlagal, če so ti potrebni za ugotovitev dejstev, ki so pomembna za odločitev o zahtevi. Pri tem lahko Agencija za zavarovalni nadzor od vložnika zahteva:

1. da ji v roku, ki ne sme biti krajši od osem dni, predloži dodatne podatke oziroma listine;
2. da ji omogoči, da opravi pregled njegovega poslovanja oziroma poslovanja oseb iz drugega odstavka 272. člena tega zakona.

(2) Za pregled poslovanja iz 2. točke prejšnjega odstavka se smiselno uporabljajo 295. do 300. člen tega zakona.

(3) Agencija za zavarovalni nadzor zavrže zahtevo:

1. če vložnik v roku, določenem v zahtevi iz 1. točke prvega odstavka tega člena, Agenciji za zavarovalni nadzor ne predloži zahtevanih podatkov oziroma listin ali
2. če vložnik odkloni zahtevo Agencije za zavarovalni nadzor iz 2. točke prvega odstavka tega člena oziroma kako drugače ovira izvedbo pregleda poslovanja.

481. člen
(pravica do izjave)

(1) Če iz zbranih dokazov o dejstvih, ugotovljenih pri pregledu poslovanja iz 2. točke prvega odstavka prejšnjega člena, ali drugih dokazov, ki jih ni predlagal vložnik zahteve za izdajo dovoljenja, izhaja večja verjetnost za zavrnitev te zahteve Agencija za zavarovalni nadzor vložniku zahteve omogoči, da se izjavi o dejstvih in okoliščinah, ki so pomembni za odločitev.

cases, within one month of receiving the application.

Article 480
(Taking of evidence and decision-making)

(1) In the decision-making process regarding an application, the Insurance Supervision Agency may also take evidence not presented by an applicant, if it is required to identify facts relevant for reaching a decision on an application. In doing so, the Insurance Supervision Agency may require that the applicant:
1. submit additional data or documents within a deadline that may not be less than eight days;
2. make it possible for the Agency to review its business or the business of the persons referred to in paragraph two of Article 272 of this Act.

(2) The review of the business referred to in item 2 of the preceding paragraph shall be subject, *mutatis mutandis*, to Articles 295 to 300 of this Act.

(3) The Insurance Supervision Agency shall dismiss an application:
1. if the applicant fails to submit the required data or documents to the Insurance Supervision Agency within the deadline set in the application referred to in point 1 of paragraph one of this Article or
2. if the applicant refuses the request of the Insurance Supervision Agency referred to in point 2 of paragraph one of this Article or if the applicant hinders the performance of the review of business in any other way.

Article 481
(Right to make a statement)

(1) If from the collected evidence on facts determined during a review of business referred to in point 2 of paragraph one of the preceding Article, or other evidence not submitted by an applicant of the application for authorisation, it is evident that there is a high probability that this application will be dismissed, the Insurance Supervision Agency shall give the applicant the possibility to make a statement on the facts and circumstances of relevance to the decision.

(2) Za možnost izjave iz prejšnjega odstavka se smiselno uporabljajo prvi do peti odstavek 434. člena tega zakona.

482. člen
(rok za odločitev)

(1) Agencija za zavarovalni nadzor o zahtevi za izdajo naslednjih dovoljenj odloči v šestih mesecih od prejema zahteve:

1. za izdajo dovoljenja za opravljanje zavarovalnih poslov,
2. za izdajo dovoljenja za opravljanje funkcije člana uprave zavarovalnice v ustanavljanju,

3. za izdajo dovoljenja za prevzemanje tveganj zavarovalnice,
4. za izdajo dovoljenja na podlagi določb 4. poglavja tega zakona ali predpisa o upravljanju tveganj.

(2) Agencija za zavarovalni nadzor o zahtevi za izdajo dovoljenja za opravljanje poslov oziroma o dejavnosti zavarovalnega zastopanja oziroma zavarovalnega posredovanja odloči v petnajstih delovnih dneh od njenega prejema.

(3) O zahtevi za izdajo drugih dovoljenj Agencija za zavarovalni nadzor odloči v treh mesecih od prejema zahteve.

(4) Če je Agencija za zavarovalni nadzor izdala sklep o odpravi pomanjkljivosti ali zahtevo na podlagi prvega odstavka 480. člena tega zakona, rok iz prvega oziroma drugega odstavka tega člena ne teče od vročitve sklepa do izteka roka za odpravo pomanjkljivosti oziroma do prejema dopolnitve oziroma poprave vloge, če je ta dopolnjena v roku, določenem s sklepom, oziroma od izdaje zahteve na podlagi prvega odstavka 480. člena tega zakona do izteka roka za predložitev dodatnih podatkov ali listin oziroma do prejema dodatnih podatkov ali listin, če so predložene v določenem roku, oziroma do zaključka pregleda poslovanja iz 2. točke prvega odstavka 480. člena tega zakona.

(2) Paragraphs one to five of Article 434 of this Act shall apply, *mutatis mutandis*, to the opportunity of making a statement referred to in the preceding paragraph.

Article 482
(Deadline to reach a decision)

(1) The Insurance Supervision Agency shall reach a decision on applications for the following authorisations within six months of receipt of the application:
1. for authorisation to conduct insurance business,
2. for authorisation to perform the function of a member of the management board of an insurance undertaking in the process of being established,
3. for authorisation to assume the risks of an insurance undertaking,
4. for authorisation on the basis of the provisions of Chapter Four of this Act or a regulation on risk management.

(2) The Insurance Supervision Agency shall reach a decision on an application to conduct insurance agency or insurance brokerage transactions or services within fifteen business days of receiving it.

(3) The Insurance Supervision Agency shall reach a decision on an application for other authorisations within three months of receipt of the application.

(4) If the Insurance Supervision Agency issues a procedural decision on the elimination of deficiencies or a request pursuant to paragraph one of Article 480 of this Act, the deadline referred to in paragraph one or two of this Article shall be suspended for the period from the service of the procedural decision to the expiry of the deadline for the elimination of deficiencies or until the receipt of an amendment or a correction of an application, provided it is amended within the deadline set in the procedural decision, or from the issuing of a request based on paragraph one of Article 480 of this Act to the expiry of the deadline for the submission of additional data or documents or to the receipt of additional data or documents, provided that they are submitted within the set deadline, or to the completion of the review of business referred to in

(5) Če je Agencija za zavarovalni nadzor pred iztekom roka iz prvega odstavka tega člena po prejšnjem členu vložnika pozvala, da se izjasni o razlogih za zavrnitev zahteve, rok iz prvega oziroma drugega odstavka tega člena ne teče od vročitve poziva do izteka roka za izjavo oziroma do prejema izjave, če je bila ta posredovana v roku, določenem s pozivom.

483. člen
(posebna pravila za odločanje o zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža)

(1) Ne glede na šesti odstavek 479. člena tega zakona Agencija za zavarovalni nadzor izda sklep o odpravi pomanjkljivosti zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža v dveh delovnih dneh po prejemu zahteve.

(2) Agencija za zavarovalni nadzor v dveh delovnih dneh vložniku zahteve izda potrdilo o prejemu popolne zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža. Rok iz prvega stavka tega odstavka teče:

1. če Agencija za zavarovalni nadzor v roku iz prejšnjega odstavka ni izdala sklepa o odpravi pomanjkljivosti – od prejema zahteve,

2. če je Agencija za zavarovalni nadzor v roku iz prejšnjega odstavka izdala sklep o odpravi pomanjkljivosti in je vložnik v roku, določenem s sklepom, zahtevo dopolnil oziroma popravil v skladu s tem sklepom – od prejema dopolnitve oziroma poprave zahteve.

(3) Ne glede na drugi odstavek prejšnjega člena Agencija za zavarovalni nadzor o zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža odloči v 60 delovnih dneh. Rok iz prvega stavka tega odstavka teče, če:

point 2 of paragraph one of Article 480 of this Act.

(5) If, prior to the expiry of the deadline referred to in paragraph one of this Article, the Insurance Supervision Agency invites the applicant pursuant to the preceding Article to submit a statement on the grounds for dismissing a request, the deadline referred to in paragraph one or two of this Article shall be suspended from the service of such request to the expiry of the deadline for submitting a statement or to the receipt of the statement, provided that the statement is provided within the deadline set in the request to provide a statement.

Article 483
(Special rules for deciding on an application for authorisation to acquire a qualifying holding)

(1) Notwithstanding paragraph six of Article 479 of this Act, the Insurance Supervision Agency shall issue a procedural decision on the elimination of the deficiencies of an application for authorisation to acquire a qualifying holding within two business days of receipt of the application.

(2) The Insurance Supervision Agency shall issue to the applicant a confirmation of receipt of a complete application for authorisation to acquire a qualifying holding within two business days. The deadline referred to in the first sentence of this paragraph shall commence:

1. if the Insurance Supervision Agency does not issue a procedural decision on the elimination of deficiencies within the deadline referred to in the preceding paragraph – upon receipt of the application,
2. if the Insurance Supervision Agency, within the deadline referred to in the preceding paragraph, issued a procedural decision on the elimination of deficiencies and if the applicant amends or completes the application pursuant to this procedural decision within the deadline set by this procedural decision – upon receipt of the amendment or the correction of the application.

(3) Notwithstanding paragraph two of the preceding Article, the Insurance Supervision Agency shall reach a decision on the application for authorisation to acquire a qualifying holding within 60 business days. The deadline referred to in the first sentence of this paragraph shall commence if:

1. je Agencija za zavarovalni nadzor v roku iz prejšnjega odstavka izdala potrdilo – od izdaje potrdila,

2. Agencija za zavarovalni nadzor v roku iz prejšnjega odstavka ni izdala potrdila – od poteka roka za izdajo potrdila iz prejšnjega odstavka.

(4) Agencija za zavarovalni nadzor v potrdilu iz drugega odstavka tega člena navede dan, s katerim poteče rok iz prejšnjega odstavka.

(5) V postopku odločanja o zahtevi za izdajo dovoljenja za pridobitev kvalificiranega deleža se ne uporabljajo 2. točka prvega odstavka, drugi odstavek in 2. točka tretjega odstavka 480. člena ter četrti odstavek 482. člena tega zakona.

(6) Agencija za zavarovalni nadzor lahko od vložnika zahteva, da predloži dodatne podatke in listine, potrebne za presojo primernosti bodočega kvalificiranega imetnika (v nadaljnjem besedilu: zahteva za dodatne podatke in listine), če tako zahtevo izda najpozneje 50. delovni dan po poteku roka za izdajo potrdila iz drugega odstavka tega člena.

(7) Če Agencija za zavarovalni nadzor izda zahtevo za dodatne podatke in listine v skladu s prejšnjim odstavkom, se tek roka iz tretjega odstavka tega člena zadrži za čas od izdaje zahteve za dodatne podatke in listine do dneva, ko vložnik predloži dodatne podatke in listine, vendar največ za 20 delovnih dni od izdaje prve zahteve. Agencija za zavarovalni nadzor lahko po prejemu podatkov in listin na podlagi prve zahteve v skladu s prejšnjim odstavkom zahteva še dodatne podatke in listine, vendar druga in naslednje zahteve Agencija za zavarovalni nadzor za dodatne podatke in listine ne zadržijo teka roka iz tretjega odstavka tega člena.

(8) Ne glede na prejšnji odstavek lahko Agencija za zavarovalni nadzor s prvo zahtevo za dodatne podatke in listine odloči, da se tek roka iz tretjega odstavka tega člena zadrži za več kot 20 delovnih dni, vendar največ za 30 delovnih dni od izdaje te zahteve, če:

1. the Insurance Supervision Agency issues a confirmation within the deadline referred to in the preceding paragraph – upon issue of the confirmation,
2. the Insurance Supervision Agency does not issue a confirmation within the deadline referred to in the preceding paragraph – upon the expiry of the deadline for issuing a confirmation referred to in the preceding paragraph.

(4) In the confirmation referred to in paragraph two of this Article, the Insurance Supervision Agency shall determine the date of expiry of the deadline referred to in the preceding paragraph.

(5) In the decision-making process regarding an application for authorisation to acquire a qualifying holding, point 2 of paragraph one, paragraph two, and point 2 of paragraph three of Article 480 and paragraph four of Article 482 of this Act shall not apply.

(6) The Insurance Supervision Agency may request the applicant to submit additional data or documents necessary for assessing the suitability of the future qualified holder (hereinafter: request for additional data or documents) provided that such request is issued no later than on the 50th business day after expiry of the deadline for issuing the confirmation referred to in paragraph two of this Article.

(7) If the Insurance Supervision Agency issues a request for additional data or documents pursuant to the preceding paragraph, the deadline referred to in paragraph three of this Article shall be suspended for the period from the issuing of the request for additional data or documents to the date of submission of additional data or documents by the applicant, however, not for more than 20 business days from the issue of the first request. Upon receipt of the data and documents following the first request, the Insurance Supervision Agency may request additional data or documents pursuant to the preceding paragraph, however, a second and any subsequent requests for additional data or documents by the Insurance Supervision Agency shall not stay the deadline referred to in paragraph three of this Article.

(8) Notwithstanding the preceding paragraph, the Insurance Supervision Agency may decide in its first request for additional data or documents to suspend the deadline referred to in paragraph three of this Article for more than 20 business days, but no longer than 30 business

1. je bodoči kvalificirani imetnik oseba tretje države ali
2. bodoči kvalificirani imetnik nima položaja kreditne institucije, investicijskega podjetja, družbe za upravljanje, kolektivnega naložbenega podjema, zavarovalnice ali pozavarovalnice.

(9) Agencija za zavarovalni nadzor vložniku zahteve v dveh delovnih dneh po prejemu dodatnih podatkov in listin na podlagi zahteve iz šestega odstavka tega člena izda potrdilo o prejemu teh dodatnih podatkov in listin. V potrdilu o prejemu dodatnih podatkov in listin na podlagi prve zahteve iz šestega odstavka tega člena je naveden dan, s katerim poteče rok iz tretjega odstavka tega člena, ob upoštevanju njegovega zadržanja po sedmem ali osmem odstavku tega člena.

(10) Če Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za pridobitev kvalificiranega deleža, v dveh delovnih dneh po sprejetju te odločitve in do poteka roka iz tretjega odstavka tega člena, ob upoštevanju morebitnega zadržanja po sedmem ali osmem odstavku tega člena, izda in odpravi pisni odpravek odločbe o zavrnitvi zahteve za izdajo dovoljenja za pridobitev kvalificiranega dovoljenja.

(11) Če Agencija za zavarovalni nadzor do poteka roka iz tretjega odstavka tega člena ob upoštevanju morebitnega zadržanja po sedmem ali osmem odstavku tega člena ne izda in odpravi pisnega odpravka odločbe o zavrnitvi ali zavrženju zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža, se šteje, da je z dnem, s katerim poteče ta rok, izdala dovoljenje za pridobitev kvalificiranega deleža, za katerega je kvalificirani imetnik zahteval izdajo tega dovoljenja.

(12) V primeru iz prejšnjega odstavka Agencija za zavarovalni nadzor na zahtevo kvalificiranega imetnika izda ugotovitveno odločbo, s katero ugotovi, da je dovoljenje izdano, v osmih dneh od prejema zahteve za izdajo te ugotovitvene odločbe.

(13) Ne glede na prvi odstavek 507. člena tega zakona Agencija za zavarovalni nadzor na svojih javnih spletnih straneh objavi

days after the issuing of this request if:
1. the future qualifying holder is a person from a third country or
2. the future qualifying holder is not a credit institution, investment firm, asset management company, collective investment undertaking, insurance undertaking or reinsurance undertaking.

(9) The Insurance Supervision Agency shall issue a confirmation of acceptance of additional data or documents to the applicant within two business days of receipt of such additional data or documents based on the request referred to in paragraph six of this Article. The confirmation of acceptance of additional data or documents on the basis of the first request referred to in paragraph six of this Article shall state the date of expiry of the deadline referred to in paragraph three of this Article, taking into account its suspension pursuant to paragraph seven or eight of this Article.

(10) If the Insurance Supervision Agency dismisses the application for authorisation to acquire a qualifying holding, it shall issue and send a written copy of the decision dismissing the application for authorisation to acquire a qualifying holding within two business days of reaching such decision and before the expiry of the deadline referred to in paragraph three of this Article, taking into account the possibility of suspension pursuant to paragraph seven or eight of this Article.

(11) If the Insurance Supervision Agency does not issue and send a written copy of the decision on the dismissal or rejection of the application for authorisation to acquire a qualifying holding prior to the expiry of the deadline referred to in paragraph three of this Article, taking into account the possibility of suspension pursuant to paragraph seven or eight of this Article, it shall be deemed that it issued authorisation to acquire a qualifying holding for which the qualifying holder requested such authorisation, on the date of expiry of this deadline.

(12) In the case referred to in the preceding paragraph, the Insurance Supervision Agency shall, at the request of the qualifying holder, issue a declaratory decision determining that the authorisation has been issued within eight days of receiving an application to issue such declaratory decision.

(13) Notwithstanding paragraph one of Article 507 of this Act, the Insurance Supervision Agency shall publish on its public website an

izvleček odločbe o zavrnitvi zahteve za izdajo dovoljenja za pridobitev kvalificiranega deleža s povzetkom razlogov za tako odločitev, če tako zahteva vložnik te zahteve.

10.5. *Izvršitev odločb Agencije za zavarovalni nadzor*

484. člen
(odločba)

(1) Odločbe Agencije za zavarovalni nadzor postanejo izvršljive v skladu z določbami zakona, ki ureja splošni upravni postopek. Ne glede na prejšnji stavek, postanejo odločbe, ki se glasijo na izpolnitev denarne obveznost, izvršljive z njihovo pravnomočnostjo.

(2) Z dnem pravnomočnosti odločbe o odvzemu dovoljenja za opravljanje funkcije člana uprave zavarovalnice oseba, ki ji je bilo dovoljenje odvzeto, preneha izpolnjevati pogoje za opravljanje funkcije člana uprave.

(3) Pravnomočne odločbe Agencije za zavarovalni nadzor, ki se glasijo na izpolnitev denarne obveznosti, izvrši sodišče na predlog Agencije za zavarovalni nadzor.

485. člen
(odredba)

(1) Odredbe Agencije za zavarovalni nadzor ni mogoče prisilno izvršiti.

(2) Ne glede na prejšnji odstavek je mogoče prisilno izvršiti odredbo, s katero je Agencija za zavarovalni nadzor izrekla dodatni ukrep nadzora iz 7. točke prvega odstavka 308. člena tega zakona ali drug ukrep nadzora, katerega vsebina je začasna ali trajna prepoved opravljanja posameznih ali vseh storitev ali poslov.

extract of the decision on the dismissal of the application for authorisation to acquire a qualifying holding, accompanied by a summary of grounds for such decision if so requested by the applicant.

10.5. *Enforcement of decisions of the Insurance Supervision Agency*

Article 484
(Decision)

(1) The Insurance Supervision Agency's decisions shall become enforceable pursuant to the provisions of the Act governing general administrative procedure. Notwithstanding the preceding sentence, decisions regarding the fulfilment of a monetary obligation shall be enforceable once they become final.

(2) On the day the decision to withdraw authorisation to perform the function of a member of the management board of an insurance undertaking becomes final, the person whose authorisation has been withdrawn shall no longer fulfil the conditions for performing the function of a member of the management board.

(3) The finality of decisions of the Insurance Supervision Agency regarding the fulfilment of a monetary obligation shall be enforced by the court on the proposal of the Insurance Supervision Agency.

Article 485
(Order)

(1) The Insurance Supervision Agency's orders may not be subject to compulsory enforcement.

(2) Notwithstanding the preceding paragraph, an order by the Insurance Supervision Agency imposing an additional supervisory measure referred to in point 7 of paragraph one of Article 308 of this Act or any other supervisory measure relating to the temporary or permanent prohibition of the performance of individual or all services or business transactions may be compulsorily enforced.

(3) Za postopek izvršitve odredb iz prejšnjega odstavka se uporabljajo določbe zakona, ki ureja splošni upravni postopek, o upravni izvršbi in določbe zakona, ki ureja inšpekcijski nadzor, o ukrepih, povezanih s prepovedjo opravljanja dejavnosti.

11. poglavje:

AGENCIJA ZA ZAVAROVALNI NADZOR

11.1. *Položaj Agencije za zavarovalni nadzor*

486. člen
(položaj Agencije za zavarovalni nadzor)

(1) Agencija za zavarovalni nadzor je pravna oseba javnega prava.

(2) Pri opravljanju svojih nalog in pristojnosti je Agencija za zavarovalni nadzor samostojna in neodvisna. Agencija za zavarovalni nadzor in člani njenih organov pri opravljanju nalog Agencije za zavarovalni nadzor, določenih s tem ali drugim zakonom, niso vezani na sklepe, stališča in navodila državnih ali katerihkoli drugih organov.

(3) Ustanovitelj Agencije za zavarovalni nadzor je Republika Slovenija.

(4) Sedež Agencije za zavarovalni nadzor je v Ljubljani.

(5) Agencija za zavarovalni nadzor v okviru razpoložljivih sredstev v finančnem načrtu tekočega leta sama določi število zaposlenih. Za plače zaposlenih v Agenciji za zavarovalni nadzor velja zakon, ki ureja sistem plač v javnem sektorju, pri čemer:

- obseg sredstev za posebne projekte, ki terjajo povečan obseg dela,

(3) With regard to the enforcement of the orders referred to in the preceding paragraph, the provisions of the Act governing the general administrative procedure on administrative enforcement and the provisions of the Act governing inspection on measures regarding the prohibition of performing activities shall apply.

Chapter Eleven

INSURANCE SUPERVISION AGENCY

11.1. *Status of the Insurance Supervision Agency*

Article 486
(Status of the Insurance Supervision Agency)

(1) The Insurance Supervision Agency shall be a legal person under public law.

(2) The Insurance Supervision Agency shall be independent in conducting its tasks and competence. The Insurance Supervision Agency and the members of its bodies shall be independent and, in performing the tasks of the Insurance Supervision Agency laid down by this or any other act, shall not be bound by any procedural decisions, points of view and instructions issued by national authorities or any other bodies.

(3) The Insurance Supervision Agency shall be founded by the Republic of Slovenia.

(4) The Insurance Supervision Agency shall have its head office in Ljubljana.

(5) The Insurance Supervision Agency shall itself determine the number of its employees, taking into account the available funds within the financial plan of the current year. For salaries of employees of the Insurance Supervision Agency, the Act governing the public sector salary system shall apply, whereby:
- the amount of funds for special projects which demand an increased

določi Agencija za zavarovalni nadzor sama v okviru razpoložljivih sredstev v finančnem načrtu tekočega leta in

- sprejme strokovni svet Agencije za zavarovalni nadzor (v nadaljnjem besedilu: strokovni svet agencije) nadzor pravilnik, v katerem določi merila in pogoje, v skladu s katerimi se uporabijo sredstva iz prejšnje alineje.

(6) Pri opravljanju svojih nalog in pristojnosti Agencija za zavarovalni nadzor poleg navodil in priporočil, ki jih izda EIOPA, upošteva tudi morebiten vpliv na finančno stabilnost držav članic.

(7) Agencija za zavarovalni nadzor s svojim delovanjem spodbuja sodelovanje med nadzorniki na evropski ravni ter izmenjavo vseh pomembnih informacij med nadzorniki iz matične države in države gostiteljice.

487. člen
(poslovnik Agencije za zavarovalni nadzor)

Agencija za zavarovalni nadzor ima poslovnik, ki določa podrobnejšo notranjo organizacijo in poslovanje Agencije za zavarovalni nadzor.

488. člen
(pečat)

Agencija za zavarovalni nadzor ima pečat, na katerem sta ime »Agencija za zavarovalni nadzor« in grb Republike Slovenije.

489. člen
(poročanje o stanju na področju zavarovalništva)

(1) Agencija za zavarovalni nadzor letno poroča Državnemu zboru Republike Slovenije o stanju in razmerah na področju zavarovalništva.

scope of work shall be determined by the Insurance Supervision Agency taking into account the available funds within the financial plan of the current year and

- the Council of Experts of the Insurance Supervision Agency (hereinafter: Agency's Council of Experts) shall adopt rules on the criteria and conditions pursuant to which the funds referred to in the preceding indent are used.

(6) In conducting its tasks and competences, the Insurance Supervision Agency shall, in addition to the instructions and recommendations issued by EIOPA, also take into account the potential impact on the financial stability of Member States.

(7) The Insurance Supervision Agency shall encourage through its operations cooperation between supervisors at the European level and the exchange of all important information between supervisors from the home and the host country.

Article 487
(Rules of procedure of the Insurance Supervision Agency)

The Insurance Supervision Agency shall have rules of procedure in which its internal organisation and operation are laid down in detail.

Article 488
(Seal)

The Insurance Supervision Agency shall have a seal bearing the name "Agencija za zavarovalni nadzor" and the coat-of-arms of the Republic of Slovenia.

Article 489
(Reporting on the situation in the insurance business)

(1) The Insurance Supervision Agency shall annually report to the National Assembly of the Republic of Slovenia on the situation and conditions in the insurance business.

(2) Poročilo iz prejšnjega odstavka obsega podatke o obsegu zavarovalnih poslov po zavarovalnih vrstah.

(3) Poročilo iz prvega odstavka za preteklo leto Agencija za zavarovalni nadzor predloži Državnemu zboru Republike Slovenije do 30. junija tekočega leta.

490. člen
(letno poročilo o delu)

(1) Agencija za zavarovalni nadzor letno poroča Državnemu zboru Republike Slovenije o svojem delu.

(2) Poročilo iz prejšnjega odstavka obsega podatke o ukrepih Agencije za zavarovalni nadzor po izvedenih postopkih nadzora, izdanih dovoljenjih za opravljanje zavarovalnih poslov in o drugih dovoljenjih, ki jih izdaja Agencija za zavarovalni nadzor, ter podatke o sodelovanju Agencije za zavarovalni nadzor z drugimi domačimi in tujimi nadzornimi organi.

(3) Agencija za zavarovalni nadzor predloži Državnemu zboru Republike Slovenije poročilo za preteklo leto do 30. junija tekočega leta.

491. člen
(poročanje EIOPA)

(1) Agencija za zavarovalni nadzor vsako leto EIOPA posreduje podatke o povprečnem kapitalskem dodatku na zavarovalnico ločeno za:

- zavarovalnice in pozavarovalnice,
- zavarovalnice, ki opravljajo posle življenjskih zavarovanj,
- zavarovalnice, ki opravljajo posle premoženjskih zavarovanj,
- zavarovalnice, ki opravljajo posle v zavarovalnih skupinah premoženjskih in življenjskih zavarovanj in

(2) The report referred to in the preceding paragraph shall include data on the volume of insurance business according to insurance classes.

(3) The report referred to in paragraph one relating to the previous year shall be submitted by the Insurance Supervision Agency to the National Assembly of the Republic of Slovenia by 30 June of the current year.

Article 490
(Annual report on activities)

(1) The Insurance Supervision Agency shall annually report on its activities to the National Assembly of the Republic of Slovenia.

(2) The report referred to in the preceding paragraph shall include data on the measures of the Insurance Supervision Agency by conducted supervision procedures, issued authorisations to conduct insurance business and other authorisations issued by the Insurance Supervision Agency, and data on the cooperation of the Insurance Supervision Agency with other national and foreign supervisory authorities.

(3) The Insurance Supervision Agency shall submit the report relating to the previous year to the National Assembly of the Republic of Slovenia by 30 June of the current year.

Article 491
(Reporting to EIOPA)

(1) The Insurance Supervision Agency shall annually submit to EIOPA data regarding average capital add-on per insurance undertaking separately for:
- insurance and reinsurance undertakings,
- insurance undertakings conducting life insurance transactions,
- insurance undertakings conducting non-life insurance transactions,
- insurance undertakings conducting transactions in non-life and life insurance groups, and

- pozavarovalnice.

(2) Podatki iz prejšnjega člena so prikazani ločeno glede na razloge za kapitalski dodatek, kot so navedeni v tretjem odstavku 309. člena tega zakona.

492. člen
(sodelovanje in poročanje Evropski komisiji)

(1) Agencija za zavarovalni nadzor posreduje Evropski komisiji in nadzornim organom drugih držav članic podatke o dovoljenjih za opravljanje zavarovalnih poslov podrejenih zavarovalnic, katerih nadrejena družba ima sedež v tretji državi. Iz podatkov je razvidna struktura skupine.

(2) Agencija za zavarovalni nadzor obvesti Evropsko komisijo o vseh težavah, s katerimi se srečujejo zavarovalnice pri opravljanju zavarovalnih poslov v tretjih državah.

(3) Agencija za zavarovalni nadzor sodeluje z Evropsko komisijo in nadzornimi organi držav članic:

1. da skupaj preučijo vse morebitne težave pri izvajanju 13. poglavja tega zakona,
2. da olajšajo nadzor in preučijo morebitne težave pri izvajanju tega zakona.

11.2. *Organi Agencije za zavarovalni nadzor*

493. člen
(organi Agencije za zavarovalni nadzor)

Organa Agencije za zavarovalni nadzor sta strokovni svet agencije in direktor Agencije za zavarovalni nadzor.

494. člen
(sestava strokovnega sveta agencije)

- reinsurance undertakings.

(2) The data referred to in the preceding paragraph shall be presented separately according to the reasons for capital add-ons, as listed in paragraph three of Article 309 of this Act.

Article 492
(Cooperation with and reporting to the European Commission)

(1) The Insurance Supervision Agency shall submit to the European Commission and supervisory authorities of other Member States data on authorisations to conduct insurance business of subsidiary insurance undertakings whose parent company has its head office in a third country. The structure of the group shall be evident from the data.

(2) The Insurance Supervision Agency shall notify the European Commission regarding any difficulties encountered by insurance undertakings in conducting insurance business in third countries.

(3) The Insurance Supervision Agency shall cooperate with the European Commission and the supervisory authorities of other Member States:

1. for the purpose of jointly reviewing all potential difficulties that may arise while implementing Chapter Thirteen of this Act,
2. for the purpose of facilitating supervision and reviewing potential difficulties that may arise while implementing this Act.

11.2. *Bodies of the Insurance Supervision Agency*

Article 493
(Bodies of the Insurance Supervision Agency)

The bodies of the Insurance Supervision Agency shall be the Agency’s Council of Experts and the Director of the Insurance Supervision Agency.

Article 494
(Structure of the Agency’s Council of Experts)

(1) Strokovni svet agencije sestavlja pet članov oziroma članic (v nadaljnjem besedilu: člani strokovnega sveta), od katerih je eden predsednik oziroma predsednica strokovnega sveta (v nadaljnjem besedilu: predsednik strokovnega sveta) in od katerih najmanj dva nista zaposlena v Agenciji za zavarovalni nadzor.

(2) Direktor agencije je član strokovnega sveta agencije in lahko tudi predsednik strokovnega sveta agencije.

(3) Člani strokovnega sveta so upravičeni do sejnin in povračil stroškov, ki jih enkrat letno določi strokovni svet na obrazložen predlog predsednika strokovnega sveta. Stroški iz prejšnjega stavka ne smejo presegati stroškov, ki nastanejo oziroma je utemeljeno pričakovati, da bodo nastali, zaradi opravljanja funkcije člana strokovnega sveta. Člani strokovnega sveta agencije, ki so z agencijo v delovnem razmerju, opravljajo svoje delo v okviru strokovnega sveta agencije izven svojega rednega delovnega časa.

(4) Strokovni svet agencije ima sekretarja, ki pomaga predsedniku strokovnega sveta agencije pri pripravi in izvedbi seje. Sekretar strokovnega sveta agencije zagotavlja pomoč pri organizaciji dela strokovnega sveta agencije, skrbi za zbiranje in pripravo gradiv, za sklice sej, vodenje zapisnikov, arhiviranje ter opravlja druge strokovne naloge, ki so potrebne za nemoteno delo strokovnega sveta agencije in izvajanje administrativnih del v zvezi z delom strokovnega sveta agencije. Sekretarja na predlog predsednika strokovnega sveta agencije imenuje strokovni svet agencije izmed zaposlenih v Agenciji za zavarovalni nadzor. Sekretar opravlja delo za strokovni svet v okviru svojega delovnega razmerja.

495. člen
(pogodba o zaposlitvi direktorja agencije)

(1) Direktor agencije svoj položaj opravlja na podlagi pogodbe o zaposlitvi, ki jo, ne glede na besedilo zakona, ki ureja javne agencije, z

(1) The Agency’s Council of Experts shall consist of five members (hereinafter: members of the Council of Experts), of whom one is the president of the Council of Experts (hereinafter: President of the Council of Experts) and of which at least two are not employed at the Insurance Supervision Agency.

(2) The Director of the Agency shall be a member of the Agency’s Council of Experts and may also be the President of the Agency’s Council of Experts.

(3) Members of the Council of Experts shall be entitled to attendance fees and reimbursement of costs determined annually by the Council of Experts upon the reasoned proposal of the President of the Council of Experts. The costs referred to in the preceding sentence shall not exceed the costs incurred or which may be reasonably expected to be incurred due to the performance of a function of a member of the Council of Experts. Members of the Agency’s Council of Experts who are employed at the Agency shall conduct their work within the Agency's Council of Experts outside their working hours.

(4) The Agency’s Council of Experts shall have a secretary assisting the President of the Agency's Council of Experts in the preparation and implementation of the session. The secretary of the Agency's Council of Experts shall provide assistance in organising the work of the Agency’s Council of Experts, shall collect and prepare materials, convene sessions, keep records, archive and execute other professional tasks which are necessary for the smooth work of the Agency’s Council of Experts and the execution of administrative tasks in connection with the work of the Agency’s Council of Experts. The secretary shall be appointed by the Agency’s Council of Experts from among employees in the Insurance Supervision Agency on the proposal of the President of the Agency’s Council of Experts. The secretary shall perform their work for the Council of Experts as part of their employment.

Article 495
(Employment contract of the Director of the Agency)

(1) The Director of the Agency shall perform their function on the basis of an employment contract which the Director concludes with the

direktorjem sklene Agencija za zavarovalni nadzor. V pogodbi o zaposlitvi se določijo cilji in pričakovani rezultati njegovega dela. Pogodba o zaposlitvi se sklene za polni delovni čas. Pogodbo o zaposlitvi direktorja agencije za Agencijo za zavarovalni nadzor podpiše član strokovnega sveta, ki ni zaposlen v Agenciji za zavarovalni nadzor in ki ga določi strokovni svet.

(2) Agencija za zavarovalni nadzor z direktorjem agencije ne sme skleniti pogodbe o zaposlitvi za obdobje, ki bi bilo daljše od trajanja mandata direktorja agencije. Ob preteku pogodbe o zaposlitvi, direktor agencije ni upravičen do odpravnine. Določbe pogodbe o zaposlitvi, ki so v nasprotju s tem odstavkom, so nične.

(3) Strokovni svet agencije lahko najkasneje tri mesece preden direktorju agencije zaradi poteka obdobja, za katero je bil imenovan, preneha njegov položaj oziroma nemudoma po prenehanju njegovega položaja, če je direktorju agencije položaj prenehal iz drugih razlogov, odloči, da se, če bi bilo zaradi odhoda direktorja agencije k drugemu delodajalcu ogroženo varovanje zaupnih informacij in poslovnih skrivnosti, direktor agencije za največ šest mesecev zaposli v Agenciji za zavarovalni nadzor, na delovnem mestu, ki ustreza vrsti in stopnji njegove izobrazbe in na katerem ne bo prihajal v stik z zaupnimi informacijami ali poslovnimi skrivnostmi. Direktor agencije lahko odločitev sveta izpodbija pred upravnim sodiščem.

496. člen
(nezdružljivost opravljanja funkcij)

(1) Funkcija oziroma položaj člana strokovnega sveta agencije ali direktorja agencije ni združljiva:

1. s funkcijo oziroma položajem člana organa vodenja ali nadzora zavarovalnice ali z drugo funkcijo v zavarovalnici, za opravljanje katere je po tem ali drugem zakonu treba pridobiti dovoljenje Agencije za zavarovalni nadzor;

2. s funkcijami oziroma položajem ali delom v organih političnih strank;

Insurance Supervision Agency, notwithstanding the provisions of the Act governing public agencies. The employment contract shall set out the aims and expected work results. The employment contract shall be concluded for full working time. The employment contract of the Director of the Agency shall be signed by a member of the Council of Experts, on behalf of the Insurance Supervision Agency, who is not employed at the Insurance Supervision Agency and is designated by the Council of Experts.

(2) The Insurance Supervision Agency must not conclude an employment contract with the Director of the Agency for a period which would exceed the term of office of the Director of the Agency. Upon the expiry of the employment contract, the Director of the Agency shall not be entitled to severance pay. Provisions of the employment contract which are counter to this paragraph shall be null and void.

(3) In the case where due to the departure of the Director of the Agency to another employer the protection of confidential information and trade secrets might be threatened, the Agency's Council of Experts may, no later than three months before the expiry of the term of office of the Director of the Agency for the period for which the Director was appointed, or immediately after the termination of the Director’s function, if it was terminated due to other reasons, decide that the Director of the Agency is to be employed by the Insurance Supervision Agency for a maximum period of six months in a position that corresponds to the type and level of their education and at which there is no access to confidential information or trade secrets. The Director of the Agency may challenge the decision of the Council before an administrative court.

Article 496
(Incompatibility of functions)

(1) A function or position of a member of the Agency’s Council of Experts or of the Director of the Agency is incompatible:

1. with the function or position of a member of the management or supervisory body of an insurance undertaking or with another function in an insurance undertaking for the performance of which authorisation of the Insurance Supervision Agency must be obtained pursuant to this or any other Act;
2. with functions or a position or work in bodies of political parties;

3. z opravljanjem druge pridobitne dejavnosti, razen znanstvenoraziskovalnega dela, če je ta dejavnost v nasprotju z interesi Agencije za zavarovalni nadzor;
4. z opravljanjem drugega dela ali dejavnosti, ki bi lahko vplivala na njeno neodvisnost;
5. z imetništvom delnic zavarovalnice.

(2) Direktor agencije lahko po imenovanju nastopi svoj položaj šele, ko podpiše pogodbo o zaposlitvi iz prejšnjega člena ter uskladi svoj položaj s prejšnjim odstavkom. Član strokovnega sveta agencije lahko po imenovanju nastopi svoj položaj šele, ko svoj položaj uskladi s prejšnjim odstavkom. Usklajenost in nastop položaja ugotavlja strokovni svet agencije, pri čemer oseba, katere usklajenost se ugotavlja, ne sme biti navzoča na seji strokovnega sveta agencije.

(3) Direktor agencije podpiše pogodbo o zaposlitvi in uskladi svoj položaj s prvim odstavkom tega člena v treh mesecih po imenovanju, v nasprotnem primeru s potekom tega roka sklep Državnega zbora Republike Slovenije o imenovanju preneha veljati. Član strokovnega sveta agencije svoj položaj uskladi s prvim odstavkom tega člena v treh mesecih po imenovanju, v nasprotnem primeru s potekom tega roka sklep Državnega zbora Republike Slovenije o imenovanju preneha veljati.

497. člen
(imenovanje in razrešitev članov strokovnega sveta agencije in direktorja agencije)

(1) Člane strokovnega sveta agencije in direktorja agencije imenuje in razrešuje Državni zbor Republike Slovenije na predlog Vlade Republike Slovenije.

(2) Člani strokovnega sveta agencije in direktor agencije so imenovani za šest let in so lahko ponovno imenovani.

3. with the performance of another for-profit activity, except scientific research work, if this activity has a conflict of interest with the Insurance Supervision Agency;
4. with the performance of other work or activities that could affect its independence;
5. with the ownership of shares of an insurance undertaking.

(2) The Director of the Agency may, following appointment, begin their term of office only after the employment contract referred to in the preceding Article has been signed and the position of the Director has been brought into compliance with the preceding paragraph. Following appointment, a member of the Agency's Council of Experts may begin their term of office only when the position has been brought into compliance with the preceding paragraph. Such compliance and beginning of the term of office shall be verified by the Agency's Council of Experts, where the person whose compliance is being identified shall not be present at the session of the Agency's Council of Experts.

(3) The Director of the Agency shall sign the employment contract and bring their status into compliance with paragraph one of this Article within three months of their appointment, otherwise the resolution of the National Assembly of the Republic of Slovenia on the appointment shall cease to be in force as of the date of expiry of this deadline. A member of the Council of Experts shall bring their status into compliance with paragraph one of this Article within three months of their appointment, otherwise the resolution of the National Assembly of the Republic of Slovenia on the appointment shall cease to be in force as of the date of expiry of this deadline.

Article 497
(Appointing and dismissing members of the Agency's Council of Experts and the Director of the Agency)

(1) Members of the Agency's Council of Experts and the Director of the Agency shall be appointed and dismissed by the National Assembly of the Republic of Slovenia on the proposal of the Government of the Republic of Slovenia.

(2) Members of the Agency's Council of Experts and the Director of the Agency shall be appointed for a period of six years and

(3) Vlada Republike Slovenije predlaga direktorja agencije na podlagi izvedenega javnega natečaja, ki je objavljen najmanj šest mesecev pred potekom mandata trenutnemu direktorju agencije.

498. člen
(pogoji za člana strokovnega sveta agencije)

Za člana strokovnega sveta agencije je lahko imenovana samo oseba:
1. ki je državljan Republike Slovenije,
2. ki je zaključila najmanj študijski program druge stopnje ustrezne smeri po zakonu, ki ureja visoko šolstvo, oziroma ima najmanj tej stopnji enakovredno izobrazbo na ustreznem področju,
3. je strokovnjak s področja zavarovalništva, financ ali gospodarskega prava in
4. ki ni bila pravnomočno obsojena zaradi kaznivega dejanja.

499. člen
(predčasna razrešitev članov strokovnega sveta agencije)

Člana strokovnega sveta agencije se sme predčasno razrešiti, če:
1. to sam zahteva,
2. je pravnomočno obsojen za kaznivo dejanje,
3. trajno izgubi delovno zmožnost za opravljanje funkcije,
4. krši obveznost varovanja zaupnih informacij, določeno v tem ali drugem zakonu,
5. se izkaže, da ne izpolnjuje pogojev za imenovanje,
6. nastopi položaj nezdružljivosti iz prvega odstavka 496. člena tega zakona ali
7. ne opravlja svojih nalog člana strokovnega sveta agencije, določenih v tem zakonu in poslovniku Agencije za zavarovalni nadzor, ali če jih opravlja nevestno ali nestrokovno.

may be reappointed.

(3) The Government of the Republic of Slovenia shall propose the Director of the Agency on the basis of an open competition, published at least six months prior to the expiry of the term of office of the current Director of the Agency.

Article 498
(Conditions for member of the Agency's Council of Experts)

Only a person meeting the following conditions may be appointed as a member of the Agency's Council of Experts:
1. is a citizen of the Republic of Slovenia,
2. has finished at least a second-cycle study programme in the appropriate field pursuant to the Act governing higher education or has obtained education that is at least equivalent to this cycle of education in a relevant field,
3. is an expert in the field of insurance business, finance or commercial law and
4. has not been finally convicted of a criminal act.

Article 499
(Early dismissal of members of the Agency's Council of Experts)

A member of the Agency Council shall be dismissed prior to the expiry of their term of office:
1. at their own request,
2. upon being finally convicted of a criminal act,
3. if they are permanently incapacitated to perform their function,
4. if they have violated the duty of protecting confidential information laid down in this or any other Act,
5. if it is established that the conditions for appointment have not been fulfilled,
6. in the event of a position of incompatibility referred to in paragraph one of Article 496 of this Act or
7. if they fail to perform their tasks as members of the Agency's Council of Experts laid down in this Act and the Insurance Supervision Agency's rules of procedure, or fail to perform them with due care or if they are performed unprofessionally.

500. člen
(uporaba nekaterih določb zakonov, ki urejajo preprečevanje korupcije)

Za direktorja agencije ter člane strokovnega sveta agencije se uporabljajo določbe zakona, ki ureja preprečevanje korupcije oziroma zakona, ki ureja nezdružljivost opravljanje javne funkcije s pridobitno dejavnostjo.

501. člen
(pristojnosti strokovnega sveta agencije)

(1) Strokovni svet agencije:

1. odloča o dovoljenjih in soglasjih ter drugih posamičnih zadevah, o katerih v skladu z zakonom odloča Agencija za zavarovalni nadzor, če v tem ali drugem zakonu ni določeno drugače;

2. sprejema predpise, kadar zakon določa, da tak akt sprejme Agencija za zavarovalni nadzor;
3. sprejema poslovnik Agencije za zavarovalni nadzor;
4. sprejema poročilo o stanju na področju zavarovalništva;
5. sprejema letni načrt dela strokovnih služb Agencije za zavarovalni nadzor in letno poročilo o delu Agencije za zavarovalni nadzor, pri čemer se mora direktor agencije izločiti iz odločanja;

6. sprejema tarifo agencije, ki začne veljati, ko Agencija za zavarovalni nadzor pridobi soglasje Vlade Republike Slovenije k tarifi oziroma njenim spremembam.

(2) Predsednik in člani strokovnega sveta agencije pri odločanju o zadevah iz prejšnjega odstavka ne odgovarjajo za škodo, ki jo povzročijo strankam ali drugim osebam, razen če je škoda povzročena namenoma ali iz hude malomarnosti.

502. člen

Article 500
(Application of certain provisions of the Acts governing prevention of corruption)

Provisions of the Act governing the prevention of corruption or the Act governing the incompatibility of holding public office with profitable activity shall apply to the Director of the Agency and members of the Agency's Council of Experts.

Article 501
(Competence of the Agency's Council of Experts)

(1) The Agency's Council of Experts shall:

1. decide on authorisation and consent and other individual matters regarding which decisions shall be reached by the Insurance Supervision Agency pursuant to an Act, unless otherwise provided by this or any other Act;
2. adopt regulations when the Act provides that such an act is to be adopted by the Insurance Supervision Agency;
3. adopt the rules of procedure of the Insurance Supervision Agency;
4. adopt the report on the situation in the insurance industry;
5. adopt an annual plan with regard to the work of the Insurance Supervision Agency's expert services and annual report on the Insurance Supervision Agency's activities, whereby the Director of the Agency must be excluded from decision making;
6. adopt the tariff of the Agency, which shall enter into force upon acquiring the consent of the Government of the Republic of Slovenia regarding the tariff or its amendments by the Insurance Supervision Agency.

(2) The President and the members of the Agency's Council of Experts shall not be liable for any damage suffered by parties or other persons in reaching decisions on matters referred to in the preceding paragraph, unless the damage has been caused intentionally or out of gross negligence.

Article 502

(odločanje strokovnega sveta agencije o izdaji predpisov)

(1) Strokovni svet agencije veljavno odloča o izdaji predpisov, ki jih je Agencija za zavarovalni nadzor pristojna izdajati, če je na seji navzoča večina članov strokovnega sveta agencije.

(2) Agencija za zavarovalni nadzor posreduje vse osnutke predpisov v obravnavo Slovenskemu zavarovalnemu združenju in ministrstvu, pristojnemu za finance, združenju zavarovalno zastopniških ali posredniških družb pa samo tiste osnutke, ki se nanašajo na delovanje zavarovalnih zastopnikov ali zavarovalnih posrednikov, zavarovalno zastopniških družb ali zavarovalno posredniških družb, in prouči vse prejete pripombe ter predloge.

(3) Predpis je sprejet, če zanj glasuje večina navzočih članov strokovnega sveta agencije.

503. člen
(objava predpisov)

Predpisi Agencije za zavarovalni nadzor se objavijo v Uradnem listu Republike Slovenije.

504. člen
(pogoji za direktorja agencije)

Za direktorja agencije je lahko imenovana samo oseba, ki:

1. je državljan Republike Slovenije,
2. ima najmanj deset let delovnih izkušenj,
3. je priznan strokovnjak s področja financ ali gospodarskega prava,
4. ima strokovne, vodstvene, organizacijske in druge sposobnosti ter teoretična in tehnična znanja, potrebna za vodenje poslovanja Agencije za zavarovalni nadzor,
5. je zaključila najmanj študijski program druge stopnje ustrezne smeri po zakonu, ki ureja visoko šolstvo, oziroma ima najmanj tej stopnji enakovredno izobrazbo na ustreznem področju,

(Decision-making of the Agency's Council of Experts with regard to issuing regulations)

(1) The Agency's Council of Experts shall adopt valid decisions with regard to the issuing of regulations which the Insurance Supervision Agency is competent to issue, if the majority of the members of the Agency's Council of Experts are present at the session.

(2) The Insurance Supervision Agency shall submit all draft regulations for consideration to the Slovenian Insurance Association and the ministry responsible for finance, and to the association of insurance agency or brokerage undertakings only such drafts which relate to the operations of insurance agents or insurance brokers, insurance agency companies or insurance brokerage companies, and shall review all received comments and recommendations.

(3) A regulation shall be adopted if supported by a majority of members of the Agency's Council of Experts present at the session.

Article 503
(Publication of regulations)

The regulations issued by the Insurance Supervision Agency shall be published in the Official Gazette of the Republic of Slovenia.

Article 504
(Conditions for Director of the Agency)

Only a person meeting the following conditions may be appointed as a Director of the Agency:

1. is a citizen of the Republic of Slovenia,
2. has at least ten years' work experience,
3. is an expert in the field of finance or commercial law,
4. has professional, management, organisational and other competence and has the theoretical and technical knowledge necessary for management of the business of the Insurance Supervision Agency,
5. has finished at least a second-cycle study programme in the appropriate field pursuant to the Act governing higher education or has obtained education that is at least equivalent to this cycle of

6. na višji ravni obvlada najmanj en svetovni jezik in
7. ni bila pravnomočno obsojena zaradi kaznivega dejanja.

505. člen
(pristojnosti in odgovornosti direktorja agencije)

(1) Direktor agencije zastopa in predstavlja Agencijo za zavarovalni nadzor, organizira in vodi delo ter poslovanje Agencije za zavarovalni nadzor in izvršuje druge naloge iz pristojnosti Agencije za zavarovalni nadzor, če ni v zakonu določeno, da je za izvrševanje teh nalog pristojen drug organ Agencije za zavarovalni nadzor.

(2) Direktor agencije zagotovi, da Agencija za zavarovalni nadzor:
1. pravilno opravlja svoje pristojnosti in odgovornosti, ki jih ima po tem ali drugem zakonu, in
2. posluje v skladu s tem zakonom in svojim poslovnikom.

506. člen
(razlogi za predčasno razrešitev direktorja agencije)

Direktorja Agencije za zavarovalni nadzor se sme predčasno razrešiti, če obstaja ali nastopi razlog za predčasno razrešitev iz 499. člena tega zakona.

11.3. *Varovanje zaupnih informacij in preprečevanje nasprotij interesov*

507. člen
(obveznost varovanja zaupnih informacij)

(1) Člani in predsednik strokovnega sveta agencije, zaposleni Agencije za zavarovalni nadzor, osebe iz drugega in četrtega odstavka 295. člena tega zakona ter druge osebe, ki opravljajo naloge in posle za Agencijo za zavarovalni nadzor, vse informacije, ki so jih pridobili pri

education in a relevant field,
6. has advanced knowledge of at least one global language and
7. has not been finally convicted of a criminal act.

Article 505
(Competence and responsibilities of the Director of the Agency)

(1) The Director of the Agency shall represent the Insurance Supervision Agency, manage and organise the work and operations of the Insurance Supervision Agency and perform other tasks within the competence of the Insurance Supervision Agency, unless provided in an Act that the competence to perform these tasks lies with a different body of the Insurance Supervision Agency.

(2) The Director of the Agency shall ensure that the Insurance Supervision Agency:
1. correctly fulfils the competence and responsibilities vested in it under this or any other Act, and
2. operates pursuant to this Act and its rules of procedure.

Article 506
(Grounds for early dismissal of the Director of the Agency)

The Director of the Agency shall be dismissed prior to the expiry of their term of office in the event that grounds exist or if grounds arise for early dismissal as referred to in Article 499 of this Act.

11.3. *Protection of confidential information and prevention of conflict of interest*

Article 507
(Obligation to protect confidential information)

(1) Members and the President of the Agency's Council of Experts, employees of the Insurance Supervision Agency, persons referred to in paragraphs two and four of Article 295 of this Act and other persons carrying out tasks and conducting transactions for the Insurance

opravljanju nadzora in drugih nalog in poslov za Agencijo za zavarovalni nadzor, varujejo kot zaupne (v nadaljnjem besedilu: zaupne informacije), in sicer tudi po prenehanju njihove funkcije, delovnega razmerja ali prenehanja pooblastila oziroma drugega pravnega razmerja, na podlagi katerega so imele dostop do zaupnih informacij.

(2) Osebe iz prejšnjega odstavka ne smejo razkriti zaupnih informacij nobeni drugi osebi, državnemu organu ali nosilcu javnih pooblastil, razen v obliki povzetka, iz katerega ni mogoče prepoznati posameznih zavarovalnic, na katere se nanašajo, ali v primerih, določenih v zakonu.

(3) Prepoved iz drugega odstavka ne velja:
1. v primeru zaupnih informacij, ki so potrebne za izvedbo kazenskega postopka, ali
2. v primeru stečaja ali prisilne likvidacije zavarovalnice za zaupne informacije, ki so potrebne za uveljavljanje terjatev upnikov do zavarovalnice in druge potrebe v stečajnem postopku ali postopku prisilne likvidacije ali s tema postopkoma povezanih pravdnih postopkih, razen tistih, ki se nanašajo tudi na druge osebe, ki so bile udeležene pri poskusih finančne sanacije ali reorganizacije zavarovalnice.

(4) Dolžnost varovanja zaupnih informacij iz prvega do tretjega odstavka tega člena velja tudi za informacije, ki jih Agencija za zavarovalni nadzor oziroma osebe iz prvega odstavka tega člena pridobijo na podlagi izmenjave informacij z drugimi nadzornimi organi.

(5) Za osebe iz prvega odstavka tega člena se uporabljajo tudi pravila o dodatni obveznosti varovanja zaupnih informacij, ki se po tem ali drugem zakonu uporabljajo za Agencijo za zavarovalni nadzor v zvezi s posamezno vrsto nadzora.

508. člen
(uporaba zaupnih informacij)

Agencija za zavarovalni nadzor sme zaupne informacije

Supervision Agency shall protect the confidentiality of all information they obtained while conducting supervisory and other tasks and transactions for the Insurance Supervision Agency (hereinafter: confidential information), even upon the termination of their function, employment or authorisation or other legal relationship on the basis of which they had access to confidential information.

(2) Persons referred to in the preceding paragraph must not disclose confidential information to any other person, state authority or a bearer of public authority, except in the form of a summary from which individual insurance undertakings, to which the information relate, cannot be identified or in cases laid down by an Act.

(3) The prohibition referred to in paragraph two shall not apply:
1. in the case of confidential information needed for the conducting of criminal proceedings, or
2. to confidential information required in the case of bankruptcy or compulsory liquidation of an insurance undertaking, and needed for the lodging of claims of creditors against an insurance undertaking and other purposes in bankruptcy proceedings or compulsory liquidation proceedings or for contentious proceedings associated with these proceedings, except those referring also to other persons involved in attempts to financially recover or reorganise an insurance undertaking.

(4) The duty to protect confidential information referred to in paragraphs one to three of this Article shall also apply to information obtained through exchange of information with other supervisory authorities by the Insurance Supervision Agency or persons referred to in paragraph one of this Article.

(5) The rules on the additional obligation to protect confidential information that apply to the Insurance Supervision Agency in respect of each individual type of supervision under this or any other Act shall also apply to persons referred to in paragraph one of this Article.

Article 508
(Use of confidential information)

The Insurance Supervision Agency may use confidential

uporabiti samo za naslednje namene:
1. za preverjanje pogojev za izdajo dovoljenj in soglasij, o katerih odloča na podlagi tega zakona, in da zagotovi nadzor na posamični in konsolidirani podlagi poslovanja zavarovalnic, zlasti glede zahtevanega solventnostnega kapitala, zahtevanega minimalnega kapitala in sistema upravljanja;
2. za izrekanje ukrepov nadzora in kazni za prekrške ter vložitve ovadb zaradi suma storitve kaznivega dejanja;
3. v postopku sodnega varstva proti odločbam, ki jih je izdala, in
4. v drugih sodnih ali upravnih postopkih.

509. člen
(osebe, ki jim je dovoljeno razkriti zaupne informacije)

(1) Zaupne informacije sme Agencija za zavarovalni nadzor posredovati naslednjim osebam Republike Slovenije ali osebam druge države članice:
1. organom, pristojnim za nadzor drugih subjektov finančnega sektorja in za nadzor finančnih trgov;
2. organom, pristojnim za izvajanje makrobonitetnega nadzora;
3. organom, ki so pristojni za nadzor nad organi, ki opravljajo dejanja v postopku prisilne likvidacije ali stečaja zavarovalnice ali v drugem podobnem postopku;
4. organom, ki so pristojni za nadzor nad revizorji, ki opravljajo naloge revidiranja računovodskih izkazov nadzorovanih finančnih družb;

5. sodišču, državnemu tožilstvu ali policiji, če jih potrebuje v kazenskem postopku, ki ga vodi v okviru svojih pristojnosti;

6. organu, pristojnemu za nadzor plačilnih sistemov;
7. ministrstvu, pristojnemu za finance, oziroma državnemu organu druge države članice, pristojnemu za izvrševanje zakonov na področju nadzora nad kreditnimi institucijami, finančnimi institucijami, investicijskimi podjetji ali zavarovalnicami, vendar le v obsegu, potrebnem za izvajanje njegovih pristojnosti in nalog na področju spremljanja finančnega sistema in priprave predpisov;

8. EIOPA v obsegu, potrebnem za izvajanje njegovih pristojnosti in nalog v skladu z Uredbo št. 1094/2010;
9. drugemu državnemu organu, ki informacijo potrebuje za izvedbo

information only for the following purposes:
1. for the verification of conditions to issue authorisation and consent which are decided based on this Act, and to ensure individual and consolidated supervision of insurance undertakings, in particular with regard to the solvency capital requirement, minimum capital requirement and governance system;
2. in order to impose supervisory measures and penalties for minor offences and to file charges due to suspicion of a criminal offence;
3. in judicial protection proceedings against its decisions, and
4. in other court or administrative proceedings.

Article 509
(Permitted disclosure of confidential information to persons)

(1) The Insurance Supervision Agency may provide confidential information to the following persons of the Republic of Slovenia or persons of other Member States:
1. authorities competent for the supervision of other subjects in the financial sector and for the supervision of financial markets;
2. authorities competent for macro-prudential supervision;
3. authorities competent for the supervision of authorities carrying out activities in the compulsory liquidation or bankruptcy proceedings of an insurance undertaking or other similar proceedings;
4. authorities competent for the supervision of auditors conducting tasks related to auditing the financial statements of supervised financial undertakings;
5. courts, the state prosecutor’s office or the police if they require information for criminal proceedings conducted within their competences;
6. an authority competent for the supervision of payment systems;
7. the ministry responsible for finance or a state authority of another Member State responsible for the implementation of Acts in the field of supervision of credit institutions, financial institutions, investment firms or insurance undertakings, however only to the extent necessary for the implementation of their tasks and competences in the field of monitoring the financial system and the drafting of regulations;
8. EIOPA within the scope required to exercise its competences and tasks pursuant to Regulation 1094/2010;
9. any other state authority that requires this information in order to

nadzornega postopka.

(2) Oseba, ki ji Agencija za zavarovalni nadzor razkrije zaupne informacije po prejšnjem odstavku, jih sme uporabiti samo za namen izvajanja svojih pristojnosti nadzora oziroma nalog iz prejšnjega odstavka in zanjo velja obveznost varovanja zaupnih informacij iz 507. člena tega zakona.

(3) Agencija za zavarovalni nadzor lahko razkrije zaupne informacije tudi osebam iz prvega odstavka tega člena, ki so iz tretje države, če so izpolnjeni naslednji pogoji:

1. če je s to tretjo državo sklenila dogovor o sodelovanju, s katerim je dogovorjena medsebojna izmenjava informacij med osebami iz prvega odstavka tega člena Republike Slovenije in te tretje države,

2. če se za osebe tretje države v tej državi uporabljajo pravila o obveznosti varovanja zaupnih informacij, z vsebino, določeno v 507. in 508. členu tega zakona,
3. če je informacija, ki je predmet razkritja osebi tretje države, namenjena samo potrebam izvajanja pristojnosti nadzora oziroma nalog oseb iz prvega odstavka tega člena, in

4. v drugih primerih, ki jih določa zakon.

(4) Če je Agencija za zavarovalni nadzor zaupne informacije pridobila od nadzornega organa druge države članice ali pri opravljanju pregleda poslovanja podružnice zavarovalnice države članice, sme te zaupne informacije razkriti samo s soglasjem nadzornega organa te države članice.

510. člen
(ukrepi za upravljanje nasprotij interesov)

(1) Agencija za zavarovalni nadzor vzpostavi in uresničuje ustrezne ukrepe za ugotavljanje nasprotij med interesi zaposlenih pri Agenciji za zavarovalni nadzor in javnim interesom, da Agencija za zavarovalni nadzor izvaja svoje naloge in pristojnosti v skladu s tem in drugimi zakoni.

conduct a supervisory procedure.

(2) A person to whom the Insurance Supervision Agency discloses confidential information pursuant to the preceding paragraph may use this information only for the purpose of conducting its supervisory competences or tasks referred to in the preceding paragraph, and shall be bound to protect the confidential information referred to in Article 507 of this Act.

(3) The Insurance Supervision Agency may also disclose confidential information to persons referred to in paragraph one of this Article that are from a third country, if the following conditions are met:

1. if a cooperation agreement has been concluded with this third country regarding mutual exchange of information between the persons referred to in paragraph one of this Article of the Republic of Slovenia and such third country,
2. if persons of a third country are subject to the rules on the obligation to protect confidential information with the content provided in Articles 507 and 508 of this Act,
3. if the information which is the subject of disclosure to a person of a third country, is intended only for the purpose of exercising supervisory competence or conducting tasks of persons referred to in paragraph one of this Article, and
4. in other cases as laid down by an Act.

(4) If the Insurance Supervision Agency has obtained confidential information from the supervisory authority of another Member State or during a review of business of a branch of an insurance undertaking in a Member State, it may disclose this confidential information only subject to the approval of the supervisory authority of that Member State.

Article 510
(Measures for managing conflicts of interest)

(1) The Insurance Supervision Agency shall set up and implement adequate measures for identifying conflicts of interest between the interests of employees of the Insurance Supervision Agency and the public interest, in a manner such that the Insurance Supervision Agency shall conduct its tasks and competence pursuant to this and any other Act.

(2) Agencija za zavarovalni nadzor vzpostavi in uresničuje učinkovit sistem za preprečevanje in upravljanje nasprotij interesov, ki obsega vse razumne ukrepe, zaradi preprečitve, da bi nasprotja interesov iz prejšnjega odstavka neugodno vplivala na uresničitev javnega interesa, da Agencija za zavarovalni nadzor izvaja svoje naloge in pristojnosti v skladu s tem in drugimi zakoni.

(3) Zaposleni v Agenciji za zavarovalni nadzor ne smejo biti člani organa vodenja ali nadzora zavarovalnice ali druge osebe, nad katerim Agencija za zavarovalni nadzor opravlja nadzor ali ki za opravljanje svojih storitev ali poslov po tem ali drugem zakonu pridobi dovoljenje Agencije za zavarovalni nadzor.

11.4. *Sredstva za delo*

511. člen
(tarifa)

(1) Agencija za zavarovalni nadzor izda tarifo, v kateri določi:

1. višino taks za odločanje o posamičnih zadevah;
2. višino letnih nadomestil, ki jih za opravljanje nadzora iz 1. in 2. točke prvega odstavka 280. člena tega zakona ali za opravljanje nadzora po drugem zakonu plačujejo osebe, nad katerimi Agencija za zavarovalni nadzor opravlja nadzor;

3. višino nadomestil za opravljanje drugih nalog, in sicer za izrekanje ukrepov nadzora iz 3. točke prvega odstavka 280. člena tega zakona in za opravljanje drugih nalog, ki jih po tem ali drugem zakonu opravlja Agencija za zavarovalni nadzor;
4. višino taks za izdajo potrdil, za izdajo izpisov iz evidenc, za izdelavo fotokopij listin ali za izdelavo dvojnikov odločb, soglasij, odredb in sklepov.

(2) Agencija za zavarovalni nadzor določi letna nadomestila iz 2. točke prejšnjega odstavka v taki višini, da vsota letnih nadomestil, ki jih

(2) The Insurance Supervision Agency shall set up and implement an efficient system for preventing and managing conflicts of interest which comprises all reasonable measures for preventing the conflicts of interest referred to in the preceding paragraph from exerting a negative impact on the achievement of the public interest, in a manner such that the Insurance Supervision Agency shall conduct its tasks and competences pursuant to this and any other Act.

(3) Employees of the Insurance Supervision Agency shall not be members of a management or supervisory body of an insurance undertaking or another person that is subject to supervision by the Insurance Supervision Agency or that acquires authorisation from the Insurance Supervision Agency to conduct its services or business transactions under this or any other Act.

11.4. *Funds for work*

Article 511
(Tariff)

(1) The Insurance Supervision Agency shall issue a tariff by which it shall determine:
1. the amount of fees for adopting decisions in individual matters;
2. the amount of annual compensation to be paid by persons that are subject to supervision by the Insurance Supervision Agency for conducting supervision referred to in points 1 and 2 of paragraph one of Article 280 of this Act or for conducting supervision pursuant to another Act;
3. the amount of compensation for conducting other tasks, namely for imposing supervisory measures referred to in point 3 of paragraph one of Article 280 of this Act and for conducting other tasks pursuant to this or any other Act by the Insurance Supervision Agency;
4. the amount of fees for issuing confirmations, extracts from records, production of photocopies of documents or making duplicates of decisions, consent, orders and procedural decisions.

(2) The Insurance Supervision Agency shall determine the annual compensation referred to in point 2 of the preceding paragraph at

plačujejo subjekti nadzora za posamezno vrsto nadzora, ne preseže stroškov Agencije za zavarovalni nadzor, povezanih s to vrsto nadzora.

(3) Tarifa oziroma njene spremembe se objavijo v Uradnem listu Republike Slovenije. Agencija za zavarovalni nadzor pred objavo pridobi soglasje Vlade Republike Slovenije k tarifi oziroma njenim spremembam.

(4) Višina nadomestila za izrek ukrepa nadzora, ki ga plača subjekt nadzora, je sorazmerna z vrsto in obsegom opravljenega nadzora nad tem subjektom nadzora.

(5) Če zavarovalnica ne plača letnega nadomestila iz 2. točke prvega odstavka tega člena za posamezno leto do 30. junija naslednjega leta, Agencija za zavarovalni nadzor zavarovalnici s sklepom naloži plačilo.

(6) O povrnitvi nadomestil za opravljanje drugih nalog iz 3. točke prvega odstavka tega člena odloči Agencija za zavarovalni nadzor s posebnim sklepom, če o tem ni bilo odločeno v odločbi.

(7) Proti sklepu in odločbi v delu, ki vsebuje odločitev o povrnitvi nadomestil za opravljanje drugih nalog, je dovoljeno začeti postopek sodnega varstva, če ta ni dovoljen zoper odločbo.

(8) Ne glede na drugi stavek prvega odstavka 484. člena tega zakona, postane sklep iz petega ali šestega odstavka tega člena, izvršljiv v skladu z določbami zakona, ki ureja splošni upravni postopek o izvršljivosti sklepa.

512. člen
(viri sredstev)

such a level that the sum of the annual compensation paid by subjects of supervision for each individual type of supervision does not exceed the costs of the Insurance Supervision Agency related to this type of supervision.

(3) The tariff and its amendments shall be published in the Official Gazette of the Republic of Slovenia. The Insurance Supervision Agency shall obtain consent from the Government of the Republic of Slovenia regarding the tariff and its amendments prior to publication.

(4) The amount of compensation to be paid by the subject of supervision shall be proportional to the type and extent of supervision conducted over the subject of supervision.

(5) If an insurance undertaking does not pay the annual compensation referred to in point 2 of paragraph one of this Article for an individual year by 30 June of the following year, the Insurance Supervision Agency shall issue a procedural decision imposing the payment upon the insurance undertaking.

(6) The reimbursement of compensation for conducting other tasks referred to in point 3 of paragraph one of this Article shall be determined by the Insurance Supervision Agency by a separate procedural decision unless this was decided upon by the relevant decision.

(7) Judicial protection proceedings may be initiated against a procedural decision and a decision in the part containing the decision on the reimbursement of compensation for conducting other tasks if such proceedings are not allowed against the decision.

(8) Notwithstanding sentence two of paragraph one of Article 484 of this Act, the procedural decision referred to in paragraph five or six of this Article shall be enforceable in accordance with the provisions of the Act governing general administrative procedure regarding the enforceability of a procedural decision.

Article 512
(Sources of funds)

(1) Sredstva za delo Agencije za zavarovalni nadzor se zagotavljajo:
1. iz taks in nadomestil,
2. iz drugih prihodkov, ki jih ustvari Agencija za zavarovalni nadzor s svojim poslovanjem.

(2) Iz presežka prihodkov nad odhodki, realiziranega v preteklem letu, se del izloči v rezerve Agencije za zavarovalni nadzor v višini, določeni s finančnim načrtom Agencije za zavarovalni nadzor za leto, v katerem je bil presežek realiziran, ostanek pa se usmeri v proračun Republike Slovenije.

513. člen
(presežek odhodkov nad prihodki)

(1) Presežek odhodkov nad prihodki Agencije za zavarovalni nadzor se krije iz rezerv Agencije za zavarovalni nadzor, če pa rezerve ne zadostujejo, se presežek odhodkov krije iz proračuna Republike Slovenije.

(2) Sredstva proračuna Republike Slovenije se lahko zagotovijo samo, če bi bilo sicer resno ogroženo opravljanje nalog Agencije za zavarovalni nadzor.

514. člen
(finančni načrt in letni obračun)

(1) Strokovni svet agencije do 31. marca vsakega leta sprejme letni obračun za preteklo leto in finančni načrt tekočega leta.

(2) Letni obračun Agencije za zavarovalni nadzor pregleda pooblaščeni revizor.

(3) Agencija za zavarovalni nadzor ministru, pristojnemu za finance, v desetih dneh po sprejetju dostavi letni obračun z revizorjevim poročilom in finančni načrt.

(1) Funds for the work of the Insurance Supervision Agency shall be provided from:
1. fees and compensation,
2. other revenue generated by the Insurance Supervision Agency through its business.

(2) Part of the surplus of revenue over expenditure realised in the preceding year shall be allocated to the reserves of the Insurance Supervision Agency in the amount determined by the Insurance Supervision Agency’s financial plan for the year in which the surplus was realised, while the remainder shall be allocated to the budget of the Republic of Slovenia.

Article 513
(Surplus of expenditure over revenue)

(1) A surplus of expenditure over revenue of the Insurance Supervision Agency shall be covered by the reserves of the Insurance Supervision Agency, if reserves are not sufficient, the surplus of expenditure shall be covered by the budget of the Republic of Slovenia.

(2) Funds from the budget of the Republic of Slovenia may only be provided in the case of a serious threat to the performance of the tasks of the Insurance Supervision Agency.

Article 514
(Financial plan and annual accounts)

(1) The Agency’s Council of Experts shall adopt the annual accounts for the preceding year and the financial plan for the current year by 31 March of each year.

(2) The Insurance Supervision Agency shall have the annual accounts audited by a certified auditor.

(3) The Insurance Supervision Agency shall, within ten days of receipt, submit the annual accounts, together with the auditor's report and the financial plan, to the minister responsible for finance.

(4) Šteje se, da sta finančni načrt in letni obračun potrjena, če Vlada Republike Slovenije v 15 dneh po njunem prejemu ne odloči drugače.

(5) Do soglasja Vlade Republike Slovenije k finančnem načrtu se financiranje Agencije za zavarovalni nadzor izvaja po sklepu o začasnem financiranju, ki ga sprejme strokovni svet agencije.

(6) Agencija za zavarovalni nadzor z letnim obračunom in finančnim načrtom seznani Državni zbor Republike Slovenije. Letni računovodski izkazi so sestavni del letnega poročila in se objavijo.

515. člen
(nadzor nad uporabo sredstev)

Nadzor nad zakonitostjo, namembnostjo, gospodarno in učinkovito rabo sredstev Agencije za zavarovalni nadzor opravlja Računsko sodišče.

12. poglavje:

ZAVAROVALNE POGODBE

12.1. *Prenos zavarovalnih pogodb*

516. člen
(prenos zavarovalnih pogodb)

(1) Zavarovalnica lahko s pogodbo na osebe iz četrtega odstavka tega člena (v nadaljnjem besedilu: prevzemna zavarovalnica) prenese zavarovalne pogodbe v posamezni zavarovalni skupini ali zavarovalni vrsti (v nadaljnjem besedilu: zavarovalni portfelj) hkrati s prenosom sredstev v vrednosti zavarovalno-tehničnih rezervacij, ki jih je treba oblikovati za zavarovalni portfelj, ki je predmet prenosa.

(4) The financial plan and annual accounts shall be deemed to be approved, unless the Government of the Republic of Slovenia decides otherwise within 15 days of their receipt.

(5) Until the consent of the Government of the Republic of Slovenia to the financial plan is given, the Insurance Supervision Agency shall be financed pursuant to a decision on temporary financing adopted by the Agency’s Council of Experts.

(6) The Insurance Supervision Agency shall inform the National Assembly of the Republic of Slovenia of the annual accounts and financial plan. Annual financial statements shall form an integral part of the annual report and shall be published.

Article 515
(Supervision of the use of funds)

Supervision of the lawfulness, designated use, economic and effective use of the Insurance Supervision Agency's funds shall be carried out by the Court of Audit.

Chapter Twelve

INSURANCE CONTRACTS

12.1. *Transfer of insurance contracts*

Article 516
(Transfer of insurance contracts)

(1) An insurance undertaking may, through a contract, transfer to persons referred to in paragraph four of this Article (hereinafter: accepting insurance undertaking) insurance contracts within an individual insurance group or insurance class (hereinafter: insurance portfolio) together with the transfer of assets in the amount of technical provisions which need to be established for the insurance portfolio being transferred.

(2) Za prenos zavarovalnih pogodb ni potrebno soglasje zavarovalcev.

(3) Pogodba iz prvega odstavka tega člena začne učinkovati z dnem, ko zavarovalnica pridobi dovoljenje Agencije za zavarovalni nadzor za prenos zavarovalnih pogodb. Pred tem zavarovalnega portfelja ni dovoljeno prenesti na prevzemno zavarovalnico.

(4) Zavarovalnica lahko prenese zavarovalne pogodbe na:

1. drugo zavarovalnico s sedežem v Republiki Sloveniji,
2. zavarovalnico države članice,
3. podružnico zavarovalnice s sedežem v tretji državi, če je sedež podružnice v Republiki Sloveniji,
4. podružnico zavarovalnice s sedežem v tretji državi, če je sedež podružnice v državi članici in če zavarovanja, ki so predmet prenosa, krijejo izključno nevarnosti v tej državi članici.

(5) Zavarovalnica zavarovalne pogodbe prenese na prevzemno zavarovalnico najpozneje v treh mesecih od dneva prejema dovoljenja Agencije za zavarovalni nadzor za prenos zavarovalnih pogodb, sicer dovoljenje za prenos zavarovalnih pogodb preneha.

(6) Zavarovalnica v roku 30 dni od dneva prenosa zavarovalnih pogodb Agenciji za zavarovalni nadzor predloži dokazila, da so bile zavarovalne pogodbe prenesene na prevzemno zavarovalnico.

(7) Če zavarovalnica Agenciji za zavarovalni nadzor v roku štirih mesecev od dneva prejema dovoljenja za prenos zavarovalnih pogodb ne predloži dokazil iz prejšnjega odstavka, ali če iz dokazil ne izhaja, da so bile zavarovalne pogodbe prenesene v roku iz petega odstavka tega člena, Agencija za zavarovalni nadzor z odločbo ugotovi, da je dovoljenje za prenos zavarovalnih pogodb prenehalo veljati.

(2) No consent of policyholders shall be required for the transfer of insurance contracts.

(3) The contract referred to in paragraph one of this Article shall enter into force as of the date when the insurance undertaking obtains authorisation from the Insurance Supervision Agency for the transfer of insurance contracts. Prior to this, transferring of the insurance portfolio to the accepting insurance undertaking shall not be allowed.

(4) An insurance undertaking may transfer insurance contracts to:

1. another insurance undertaking with its head office in the Republic of Slovenia,
2. an insurance undertaking from that Member State,
3. a branch of an insurance undertaking with its head office in a third country, if the head office of the branch is in the Republic of Slovenia,
4. a branch of an insurance undertaking with its head office in a third country, if the head office of the branch is in a Member State and if the insurance being transferred covers risks only in that Member State.

(5) An insurance undertaking shall transfer insurance contracts to an accepting insurance undertaking no later than within three months as of the date of receipt of authorisation from the Insurance Supervision Agency to transfer insurance contracts; otherwise the authorisation to transfer insurance contracts shall cease to be in force.

(6) An insurance undertaking shall submit evidence to the Insurance Supervision Agency that insurance contracts have been transferred to the accepting insurance undertaking within a period of 30 days from the date of transfer of insurance contracts.

(7) If the insurance undertaking fails, within a period of four months from the date of receipt of the authorisation to transfer insurance contracts, to submit to the Insurance Supervision Agency the evidence referred to in the preceding paragraph, or if such evidence does not demonstrate that the insurance contracts were transferred within the deadline referred to in paragraph five of this Article, the Insurance Supervision Agency shall establish by means of a decision that the authorisation to transfer insurance contracts has ceased to be in force.

517. člen
(obveščanje zavarovalcev)

(1) Prevzemna zavarovalnica nemudoma po prejemu dovoljenja Agencije za zavarovalni nadzor za prenos zavarovalnih pogodb o prenosu obvesti zavarovance.

(2) Prevzemna zavarovalnica o prenosu zavarovalnih pogodb obvesti zavarovalce z objavami v sredstvih javnega obveščanja in na svojih javno dostopnih internetnih straneh na območju, na katerem zavarovanja, ki se prenašajo, krijejo nevarnosti, razen ob zavarovanju izvoznih kreditov, pri čemer je treba zavarovalce obvestiti v sredstvih javnega obveščanja na območju njihovega sedeža. Pozavarovalnicam in zavarovalnicam za prenos pozavarovalnih pogodb pri obveščanju zavarovalcev ni treba uporabljati sredstev javnega obveščanja.

518. člen
(zahteva za izdajo dovoljenja za prenos zavarovalnih pogodb)

Zahteva za izdajo dovoljenja za prenos zavarovalnih pogodb obsega:

1. seznam zavarovalnih pogodb po posameznih zavarovalnih vrstah, ki so predmet prenosa, s splošnimi pogoji za ta zavarovanja in izračuni zavarovalno-tehničnih rezervacij za ta zavarovanja;
2. seznam sredstev, ki krijejo zavarovalno-tehnične rezervacije, z navedbo vrednosti in podatkov, na podlagi katerih je mogoče preveriti izračun teh vrednosti;
3. v primeru iz 1., 2. in 4. točke četrtega odstavka 516. člena tega zakona spremembo poslovnega načrta prevzemne zavarovalnice, ki je potrebna zaradi prevzema zavarovalnih pogodb;
4. pogodbo o prenosu zavarovalnih pogodb.

519. člen

Article 517
(Notifying policyholders)

(1) The accepting insurance undertaking shall notify insured persons of the transfer of insurance contracts immediately after the receipt of authorisation to transfer insurance contracts from the Insurance Supervision Agency.

(2) The accepting insurance undertaking shall notify policyholders of the transfer of insurance contracts by announcements in the mass media and on its own public websites in the territory in which risks are covered by the insurance contracts being transferred, except for the insurance of export credits, where policyholders shall be notified by means of announcements in the mass media in the territory of their head office. Reinsurance and insurance undertakings shall not be required to make announcements in the mass media to notify policyholders of the transfer of reinsurance contracts.

Article 518
(Application for authorisation to transfer insurance contracts)

An application for authorisation to transfer insurance contracts shall include:

1. a list of insurance contracts by individual insurance classes to be transferred, together with the general terms and conditions applicable to these insurance contracts and the calculations of technical provisions for the insurance;
2. a list of assets covering technical provisions, stating the value and data on the basis of which the verification of calculations of these amounts is possible;
3. in the cases referred to in points 1, 2, and 4 of paragraph four of Article 516 of this Act, the modification of the business plan of the accepting insurance undertaking, which is needed to acquire the insurance contracts;
4. a contract regarding the transfer of insurance contracts.

Article 519

(odločanje o zahtevi za izdajo dovoljenja za prenos zavarovalnih pogodb)

(1) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za prenos zavarovalnih pogodb, če:

1. je vrednost sredstev, ki krijejo zavarovalno-tehnične rezervacije, ali vrednost sredstev omejenega sklada nižja od višine zavarovalno-tehničnih rezervacij, ki jih je treba oblikovati za zavarovalni portfelj, ki je predmet prenosa, ali če obstajajo drugi razlogi, zaradi katerih bi lahko bili ogroženi interesi zavarovalcev, zavarovancev ali drugih upravičencev iz zavarovalnih pogodb;
2. prevzemna zavarovalnica ne izpolnjuje pogojev za opravljanje zavarovalnih poslov v zavarovalnih skupinah ali vrstah, ki so predmet prenosa, ali če bi bilo zaradi prevzema portfelja lahko ogroženo poslovanje prevzemne zavarovalnice v skladu s pravili o upravljanju tveganj;
3. so nadzorni organi države članice od zavarovalnice, ki je udeležena pri prenosu, zahtevali sanacijski načrt iz 249. člena ali finančni načrt iz 250. člena tega zakona.

(2) V primeru iz 2. in 4. točke četrtega odstavka 516. člena tega zakona lahko Agencija za zavarovalni nadzor izda dovoljenje za prenos zavarovalnih pogodb samo, če nadzorni organ države članice predhodno izda potrdilo:

1. da bo prevzemna zavarovalnica s sedežem v državi članici dosegala zahtevani solventnostni kapital tudi po prevzemu zavarovalnih pogodb,
2. da prevzemna zavarovalnica izpolnjuje pogoje za opravljanje zavarovalnih poslov v zavarovalnih skupinah oziroma vrstah, ki so predmet prenosa.

(3) Če v primeru iz prejšnjega odstavka zavarovanje krije nevarnosti tudi v drugi državi članici, lahko Agencija za zavarovalni nadzor izda dovoljenje za prenos zavarovalnih pogodb samo, če s prenosom soglaša nadzorni organ te države članice. Če nadzorni organ te države članice v roku treh mesecev od prejema zahteve za izdajo soglasja o soglasju ne odloči, se šteje, da s prenosom soglaša.

(4) Določbe drugega odstavka tega člena se smiselno

(Decision-making on application for authorisation to transfer insurance contracts)

(1) The Insurance Supervision Agency shall reject an application for authorisation to transfer insurance contracts if:

1. the value of assets covering technical provisions or the value of assets of a ring-fenced fund is lower than the amount of technical provisions which are to be established for the insurance portfolio being transferred, or if other reasons exist due to which the interests of policyholders, insured persons or other beneficiaries under insurance contracts could be threatened;
2. the accepting insurance undertaking does not meet the conditions to conduct insurance business in insurance groups or classes that are being transferred, or if due to the acquisition of the portfolio the business of the accepting insurance undertaking could be threatened pursuant to the rules on risk management;
3. the supervisory authorities of a Member State required from the insurance undertaking that is taking part in the transfer the recovery plan referred to in Article 249 or the financial plan referred to in Article 250 of this Act.

(2) In the cases referred to in points 2 and 4 of paragraph four of Article 516 of this Act, the Insurance Supervision Agency may issue authorisation to transfer insurance contracts only after a supervisory authority from a Member State issues confirmation:

1. that the accepting insurance undertaking with its head office in a Member State will comply with the solvency capital requirement even after insurance contracts are acquired,
2. that the accepting insurance undertaking complies with the conditions to conduct insurance business in insurance groups or classes that are being transferred.

(3) If, in the case referred to in the preceding paragraph, the insurance also covers risks in a different Member State, the Insurance Supervision Agency may only issue authorisation to transfer insurance contracts if a supervisory authority of this Member State gives consent for such a transfer. If a supervisory authority of this Member State does not reach a decision regarding consent within three months of the receipt of a request for consent, it shall be deemed to consent to the transfer.

(4) The provisions of paragraph two of this Article shall also

uporabljajo tudi v primeru, če se zavarovalne pogodbe prenašajo na podružnico švicarske zavarovalnice v Republiki Sloveniji.

(5) Če potrebuje zavarovalnica za prenos zavarovalnih pogodb njene podružnice v državi članici soglasje Agencije za zavarovalni nadzor, Agencija za zavarovalni nadzor odloči o tem soglasju.

(6) Če zavarovalnica države članice prenaša zavarovalne pogodbe na svojo podružnico v Republiki Sloveniji, Agencija za zavarovalni nadzor morebitne ugovore proti prenosu sporoči nadzornemu organu države članice v roku treh mesecev od prejema zaprosila za mnenje.

(7) Če je za prenos zavarovalnih pogodb zavarovalnice države članice potrebno potrdilo Agencije za zavarovalni nadzor v smislu drugega odstavka tega člena, Agencija za zavarovalni nadzor izda ustrezno potrdilo oziroma odloči o zavrnitvi zahteve za izdajo takega potrdila.

(8) Če zavarovalnica države članice prenaša zavarovalne pogodbe na zavarovalnico te ali druge države članice in zavarovanja, ki so predmet prenosa, krijejo tudi nevarnosti v Republiki Sloveniji, lahko Agencija za zavarovalni nadzor zavrne soglasje v smislu tretjega odstavka tega člena, če s prenosom interesi zavarovalcev, zavarovancev ali drugih upravičencev iz zavarovalnih pogodb niso zaščiteni v zadostni meri. O zavrnitvi soglasja odloči v roku treh mesecev od prejema obvestila nadzornega organa države članice o nameravanem prenosu.

520. člen
(prenos zavarovalnih pogodb podružnice zavarovalnice tretje države)

(1) Za prenos zavarovalnih pogodb podružnice zavarovalnice tretje države, ki ima sedež v Republiki Sloveniji, se smiselno uporabljajo členi 516 do 519 tega zakona.

apply, *mutatis mutandis*, in cases where insurance contracts are being transferred to a branch of a Swiss insurance undertaking in the Republic of Slovenia.

(5) If an insurance undertaking requires the consent of the Insurance Supervision Agency in order to transfer the insurance contracts of its branch in a Member State, the Insurance Supervision Agency shall decide regarding this consent.

(6) If an insurance undertaking from a Member State transfers insurance contracts to its branch in the Republic of Slovenia, the Insurance Supervision Agency shall inform the supervisory authority of the Member State regarding any objections to the transfer within three months of receiving a request for an opinion.

(7) If a certificate of the Insurance Supervision Agency within the meaning of paragraph two of this Article is required for the transfer of insurance contracts of an insurance undertaking from a Member State, the Insurance Supervision Agency shall issue an appropriate certificate or reach a decision to reject the request to issue such a certificate.

(8) If an insurance undertaking from a Member State transfers insurance contracts to an insurance undertaking from this or another Member State and the insurance which is the subject of the transfer also covers risks in the Republic of Slovenia, the Insurance Supervision Agency may refuse to give consent within the meaning of paragraph three of this Article, if the interests of policyholders, insured persons or other beneficiaries under the insurance contracts are not sufficiently safeguarded. A decision to refuse consent shall be adopted within three months of receipt of notification from the supervisory authority of the Member State regarding the planned transfer.

Article 520
(Transfer of insurance contracts of a branch of an insurance undertaking from a third country)

(1) For the transfer of insurance contracts of a branch of an insurance undertaking from a third country with its head office in the Republic of Slovenia, Articles 516 to 519 of this Act shall apply *mutatis mutandis*.

(2) Agencija za zavarovalni nadzor izda dovoljenje za prenos zavarovalnih pogodb podružnice iz prejšnjega odstavka na podružnico zavarovalnice s sedežem v tretji državi, katere sedež je v drugi državi članici, če nadzorni organ države članice predhodno izda ta potrdila:

1. iz tretjega odstavka prejšnjega člena,
2. da zakonodaja države članice dovoljuje takšen prenos in
3. da nadzorni organ soglaša s prenosom.

(3) Agencija za zavarovalni nadzor ne soglaša s prenosom zavarovalnih pogodb podružnice zavarovalnice s sedežem v tretji državi, katere sedež je v državi članici, na podružnico zavarovalnice tretje države, ki ima sedež v Republiki Sloveniji:

1. če je vrednost sredstev, ki krijejo zavarovalno-tehnične rezervacije, oziroma vrednost sredstev omejenega sklada nižja od višine rezervacij, ki jih je treba oblikovati za zavarovalni portfelj, ki je predmet prenosa;
2. če prevzemna podružnica ne izpolnjuje pogojev za opravljanje zavarovalnih poslov v zavarovalnih skupinah oziroma vrstah, ki so predmet prenosa;
3. če prevzemna podružnica po prevzemu zavarovalnih pogodb ne bo več izpolnjevala zahtevanega solventnostnega kapitala;

4. zaradi drugih razlogov, ki bi ogrozili upravljanje tveganj prevzemne podružnice.

12.2. *Zavarovalni pogoji, obveščanje zavarovalcev in pravila poslovanja*

12.2.1. Splošno

521. člen
(zavarovalna pogodba in splošni zavarovalni pogoji)

(1) Če zavarovanje krije nevarnosti v Republiki Sloveniji,

(2) The Insurance Supervision Agency shall issue authorisation to transfer the insurance contracts of the branch referred to in the preceding paragraph to a branch of an insurance undertaking with its head office in a third country, of which the head office is in another Member State, provided that the supervisory authority of the Member State has previously issued the following confirmations:
1. as referred to in paragraph three of the preceding Article,
2. that the legislation of the Member State allows such a transfer and
3. that the supervisory authority consents to the transfer.

(3) The Insurance Supervision Agency shall not give consent to the transfer of the insurance contracts of a branch of an insurance undertaking with its head office in a third country, of which the head office is in another Member State, to a branch of an insurance undertaking from a third country with its head office in the Republic of Slovenia:
1. if the value of assets covering technical provisions or the value of assets of a ring-fenced fund is lower than the amount of technical provisions which are to be established for the insurance portfolio being transferred;
2. if the acquiring insurance undertaking's branch does not meet the conditions to conduct insurance business in insurance groups or classes that are being transferred;
3. if the acquiring insurance undertaking's branch fails to comply with the solvency capital requirement after the acquisition of insurance contracts;
4. due to other reasons which would threaten the risk management of the acquiring insurance undertaking's branch.

12.2. *Terms and conditions of insurance, notification of policyholders and business rules*

12.2.1. General

Article 521
(Insurance contract and general terms and conditions of insurance)

(1) If insurance covers risks in the Republic of Slovenia, the

zavarovalna pogodba obsega zlasti določbe o:

1. firmi, pravnoorganizacijski obliki, sedežu in naslovu zavarovalnice in podružnice, prek katere se sklepa zavarovalna pogodba;

2. dogodkih, z nastopom katerih nastane obveznost zavarovalnice opraviti izpolnitev na podlagi zavarovalne pogodbe, in primerih, v katerih je zaradi posebnih razlogov obveznost zavarovalnice izključena;
3. načinu izpolnitve, obsegu, morebitnih garancijah in dospelosti obveznosti zavarovalnice;
4. določitvi in plačilu premije ter o pravnih posledicah, če premija ni plačana;
5. trajanju zavarovalne pogodbe, in sicer zlasti:
   - če in na kakšen način se trajanje molče podaljša,
   - če, na kakšen način in v katerem časovnem trenutku je zavarovalno pogodbo mogoče odpovedati oziroma sicer v celoti oziroma delno razvezati in kakšne so obveznosti zavarovalnice v takšnih primerih;
6. izgubi zahtevkov iz zavarovalne pogodbe v primeru zamude rokov;

7. v primeru življenjskih zavarovanj tudi o pogojih in obsegu izplačil akontacij ter posojil na zavarovalno pogodbo, o pogojih, pod katerimi je zavarovalec udeležen pri dobičku zavarovalnice, in merilih za izračun te udeležbe ter o pogojih in načinu izračuna odkupne vrednosti ter kapitalizacije;
8. v primeru nezgodnih in zdravstvenih zavarovanj, pri katerih se zavarovalno-tehnične rezervacije izračunavajo z metodami za življenjska zavarovanja, tudi o pogojih in načinu izračunavanja teh rezervacij in s tem povezanih sprememb premije zaradi staranja zavarovanca, o pravicah, ki izhajajo iz že oblikovanih zavarovalno-tehničnih rezervacij v primeru prenehanja zavarovanja ali v primeru menjave zavarovanja v okviru iste zavarovalnice ali v primeru menjave zavarovalnice, ter o vplivih drugih dejavnikov na spreminjanje premije.

(2) V primeru družbe za vzajemno zavarovanje so obvezne določbe iz prejšnjega odstavka lahko namesto v zavarovalni pogodbi vsebovane v statutu.

(3) Določbe zavarovalne pogodbe iz prvega odstavka tega člena lahko v škodo zavarovalca odstopajo od splošnih zavarovalnih pogojev samo:

insurance contract shall in particular include provisions regarding:

1. corporate name, legal form, head office and address of the insurance undertaking and branch through which the insurance contract is concluded;
2. events which give rise to obligations of an insurance undertaking to comply with obligations under an insurance contract and in cases where the obligation of an insurance undertaking has been excluded due to special grounds;
3. method of fulfilment, scope, potential guarantees and maturity of the obligation of an insurance undertaking;
4. setting and payment of the premium and legal consequences if the premium is not paid;
5. term of the insurance contract, in particular:
   - if and in what manner the term will be tacitly renewed,
   - if, in what manner and in what period the insurance contract may be terminated, or entirely or partially dissolved, and the obligations of an insurance undertaking in these cases;
6. forfeiture of claims under an insurance contract in the case of missing deadlines;
7. in the case of life insurance, the conditions and scope of advance payments and loans as per an insurance contract, conditions for a policyholder to participate in profits of an insurance undertaking and the criteria for calculating such participation, and the conditions and manner of calculating the surrender value and capitalisation;
8. in the case of accident and health insurance for which technical provisions are calculated by methods used for life insurance, also regarding conditions and the manner of calculating such provisions and related changes in premiums due to ageing of the insured person, regarding rights arising from already established technical provisions in the case of the termination of insurance or in the case of a change of insurance within the same insurance undertaking or in the case of a change of the insurance undertaking, and regarding the effects of other factors in terms of changing the premium.

(2) In the case of a mutual insurance company, mandatory provisions referred to in the preceding paragraph may be included in the Articles of association instead of in the insurance contract.

(3) The provisions of the insurance contract referred to in paragraph one of this Article may differ from the general terms and conditions of insurance to the detriment of a policyholder only:

1. če so za to podani razlogi, ki so utemeljeni glede na predmet zavarovanja, in
2. če je zavarovalec na takšno odstopanje izrecno pisno pristal.

(4) V primeru zavarovanja stroškov postopka iz 17. točke drugega odstavka 7. člena tega zakona zavarovalna pogodba ne sme določati, da zavarovalnica krije samo stroške pravnega zastopanja po odvetniku ali drugi osebi, ki jo imenuje zavarovalnica.

(5) Zavarovalna pogodba ne sme biti v nasprotju s prisilnimi določbami drugih zakonov, ki urejajo zavarovalno pogodbo ali posamezne vrste zavarovalnih pogodb.

(6) Zavarovalnice vse ponudnike in potencialne zavarovance, ki želijo dostopiti do zavarovalnih storitev, obravnavajo enako, vendar v postopku selekcije in ocene nevarnosti ter pri določanju premij in pri izplačevanju zavarovalnin lahko upoštevajo merila zavarovalne stroke ali le naslednje zavarovančeve osebne okoliščine in značilnosti: starost, zdravstveno stanje, invalidnost in poklic ter druge osebne okoliščine, ki lahko utemeljeno vplivajo na višino prevzete nevarnosti, razen spola, materinstva in nosečnosti.

(7) Zavarovalnice lahko v zvezi z zavarovanji iz zavarovalne skupine življenjskih zavarovanj in zavarovalnih vrst nezgodno zavarovanje in zdravstveno zavarovanje upoštevajo osebno okoliščino spola pri izračunavanju premij in dajatev na skupni ravni, če ne vodi v razlikovanje na individualni ravni. Zavarovalnice lahko obdelujejo dejavnik spola za izračun zavarovalno-tehničnih rezervacij in interno določanje cen, za določanje cen pozavarovanja, za trženje in oglaševanje ter za oceno tveganja iz zavarovalne skupine življenjskih zavarovanj in zavarovalne vrste zdravstveno in nezgodno zavarovanje.

(8) Ne glede na določbe sedmega odstavka tega člena se dopolnilno zdravstveno zavarovanje izvaja v skladu z določbami zakona, ki ureja zdravstveno varstvo in zdravstveno zavarovanje.

(9) Zavarovalnice, zavarovalno zastopniške družbe in zavarovalno posredniške družbe, ki ustvarjajo zavarovalne produkte,

1. if justified reasons exist with regard to the subject of insurance, and
2. if the policyholder gave their explicit written consent to such differentiation.

(4) An insurance contract may not provide that an insurance undertaking shall cover only costs of legal representations through an attorney or any other person appointed by an insurance undertaking in the case of legal expenses insurance referred to in point 17 of paragraph two of Article 7 of this Act.

(5) An insurance contract must not contravene mandatory provisions of other Acts governing insurance contracts or individual types of insurance contracts.

(6) Insurance undertakings shall consider equally all providers and potential insured persons wishing to access insurance services, however in the process of selection and risk assessment and in determining premiums and paying benefits they may take into consideration the insurance profession criteria or only the following personal circumstances and characteristics of the insured person: age, medical condition, disability and occupation and other personal circumstances which may justifiably influence the level of the assumed risk, except gender, maternity and pregnancy.

(7) Insurance undertakings may consider the personal circumstance of gender in calculating premiums and benefits at an aggregate level, if this does not give rise to differentiation at an individual level, regarding insurance in the life insurance group and accident and health insurance classes. Insurance undertakings may take into consideration the gender factor to calculate technical provisions and for internal price setting, for reinsurance price setting, for marketing and promotion, and to assess risks from the life insurance group and health and accident insurance classes.

(8) Notwithstanding the provisions of paragraph seven of this Article, complementary health insurance shall be provided pursuant to the provisions of the Act governing health care and health insurance.

(9) Insurance undertakings, insurance agency companies and insurance brokerage companies which create insurance products shall

imajo vzpostavljene postopke za odobritev vsakega zavarovalnega produkta ali pomembnih prilagoditev obstoječih zavarovalnih produktov pred njihovo distribucijo, ki jih izvajajo in redno pregledujejo.

(10) Postopek odobritve zavarovalnega produkta iz prejšnjega odstavka mora biti sorazmeren in primeren glede na vrsto zavarovalnega produkta.

(11) V postopku odobritve zavarovalnega produkta se opredeli ciljni trg za zavarovalni produkt, zagotovi, da so ocenjena vsa pomembna tveganja za ta trg, da je predvidena strategija distribucije v skladu z opredeljenim ciljnim trgom in da se sprejmejo ustrezni ukrepi za zagotovitev, da se zavarovalni produkt prodaja na opredeljenem ciljnem trgu.

(12) Zavarovalnica redno pregleduje zavarovalne produkte iz devetega odstavka tega člena in upošteva vse dogodke, ki bi lahko bistveno vplivali na morebitno tveganje za opredeljeni ciljni trg, pri čemer oceni najmanj, ali je zavarovalni produkt še v skladu s potrebami opredeljenega ciljnega trga in ali je načrtovana strategija distribucije še ustrezna.

(13) Zavarovalnice, zavarovalno zastopniške družbe in zavarovalno posredniške družbe, ki ustvarjajo zavarovalne produkte, dajo distributerjem zavarovalnih produktov na voljo vse ustrezne informacije o zavarovalnem produktu, postopku za odobritev zavarovalnega produkta in o opredeljenem ciljnem trgu zavarovalnega produkta.

(14) Kadar distributer zavarovalnih produktov ponuja ali priporoča zavarovalni produkt, ki ga ni ustvaril sam, mora pridobiti informacije iz prejšnjega člena ter se seznaniti z lastnostmi in opredeljenim ciljnim trgom zavarovalnega produkta na način, da je v celoti informiran o vsem potrebnem za distribucijo teh produktov.

(15) Določbe devetega do štirinajstega odstavka tega člena ne posegajo v druge zahteve tega zakona in drugih zavezujočih predpisov, kakor tudi ne v zahteve v zvezi z razkritjem, primernostjo ali ustreznostjo, prepoznavanjem in obvladovanjem nasprotja interesov ter plačil za distribucijo zavarovalnih produktov.

establish processes for the approval of each insurance product or significant modifications of existing insurance products before their distribution, which shall be implemented and regularly reviewed.

(10) The insurance product approval process referred to in the preceding paragraph shall be proportionate and appropriate to the type of insurance product.

(11) The insurance product approval process shall specify an identified target market for an insurance product, ensure that all relevant risks for such identified target market are assessed and that the intended distribution strategy is consistent with the identified target market, and take reasonable steps to ensure that the insurance product is distributed to the identified target market.

(12) An insurance undertaking shall regularly review the insurance products referred to in paragraph nine of this Article, taking into account any event that could materially affect the potential risk to the identified target market, in order to assess at least whether the insurance product remains consistent with the needs of the identified target market and whether the intended distribution strategy remains appropriate.

(13) Insurance undertakings, insurance agency companies and insurance brokerage companies which create insurance products shall make available to insurance distributors all appropriate information on the insurance product, the product approval process and the identified target market of the insurance product.

(14) Where an insurance distributor advises on, or proposes, insurance products which it does not create, it shall obtain the information referred to in the preceding Article and to understand the characteristics and identified target market of each insurance product in such a way that it is fully informed of all that is necessary for insurance distribution.

(15) The policies, processes and arrangements referred to in paragraphs nine to fourteen of this Article shall be without prejudice to all other requirements under this Act and other binding regulations, including those relating to disclosure, suitability or appropriateness, identification and management of conflicts of interest, and remuneration for insurance distribution.

(16) Deveti do štirinajsti odstavek tega člena se ne uporabljajo za zavarovanja velikih nevarnosti iz 532. člena tega zakona.

522. člen
(obveščanje zavarovalcev ob sklenitvi zavarovalne pogodbe)

(1) Distributer zavarovalnih produktov ob sklenitvi zavarovalne pogodbe iz prvega odstavka prejšnjega člena stranke z obvestilom v pisni ali elektronski obliki seznani s podatki o:

1. firmi, pravnoorganizacijski obliki, sedežu in naslovu zavarovalnice in podružnice, prek katere se sklepa zavarovalna pogodba;
2. splošnih zavarovalnih pogojih, ki veljajo za zavarovalno razmerje;
3. pravu, ki se uporabi za zavarovalno pogodbo, ali v primerih z mednarodnim elementom o pravici stranke, da sama izbere pravo, ki se uporablja za zavarovalno pogodbo v skladu z uredbo iz drugega odstavka 529. člena tega zakona;
4. dostopu do poročila o solventnosti in finančnem položaju zavarovalnice iz 261. člena tega zakona;
5. notranjem postopku za reševanje pritožb zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj in o izvajalcu izvensodnega reševanja sporov iz prvega in drugega odstavka 579. člena;
6. načinu izpolnitve, obsegu in dospelosti obveznosti zavarovalnice ter morebitnih garancijah;
7. času trajanja zavarovalne pogodbe;
8. višini premije, pri čemer je zavarovalna premija razčlenjena na zavarovalno premijo za posamezne nevarnosti, če zavarovalno razmerje krije nevarnosti iz več zavarovalnih vrst, in o višini prispevkov, davkov in drugih stroškov, ki se zaračunavajo poleg premije, in o skupnem znesku plačil;
9. roku, v katerem ponudnika veže ponudba;
10. pravici do preklica, odstopa ali drugih opcijah;
11. nazivu in naslovu nadzornega organa, ki je pristojen za nadzor nad zavarovalnico;

(16) Paragraphs nine to fourteen of this Article shall not apply to insurance of large risks referred to in Article 532 of this Act.

Article 522
(Notifying policyholders at the time of concluding an insurance contract)

(1) Where a policyholder is a natural person, the insurance undertaking or insurance broker shall at the time of concluding an insurance contract notify, in writing or by electronic means, the policyholder referred to in paragraph one of the preceding Article, regarding:

1. corporate name, legal form, head office and address of the insurance undertaking and branch through which the insurance contract is concluded;
2. general terms and conditions of insurance applicable to the relationship of the insurer and insured;
3. law applicable to the insurance contract or, in cases involving an international element, the right of a party to the choice of law applicable to an insurance contract pursuant to the regulation referred to in paragraph two of Article 529 of this Act;
4. availability of the solvency and financial condition report of an insurance undertaking referred to in Article 261 of this Act;
5. the internal procedure for resolving complaints by policyholders, insured persons and other insurance beneficiaries, including the provider of out-of-court settlement of disputes referred to in paragraphs one and two of Article 579;
6. method of fulfilment, scope, and potential guarantees and maturity of the obligation of an insurance undertaking;
7. term of the insurance contract;
8. amount of premium where the insurance premium is broken down into individual underwritten risks, if the insurance relationship covers risks from several insurance classes and regarding the amount of contributions, taxes and other costs charged in addition to the premium, and regarding the total amount of payments;
9. deadline to which the provider shall be bound by the offer;
10. right to cancel, withdraw or other options;
11. name and address of the supervisory authority competent for supervision of the insurance undertaking;

12. pogojih za vzpostavitev mirovanja;
13. tem, če zagotavlja svetovanje glede zavarovalnega produkta, ki ga prodaja.

(2) V primeru življenjskih zavarovanj pisno oziroma elektronsko obvestilo iz prejšnjega odstavka ali predloženi zavarovalni pogoji vsebujejo tudi informacije za razumevanje tveganj, ki jih s sklenitvijo zavarovalne pogodbe prevzame zavarovalec, in informacijo o pravici iz 525. člena tega zakona.

(3) V primeru življenjskega zavarovanja, nezgodnega in zdravstvenega zavarovanja s pravico do povračila dela zavarovalne premije obvestilo zavarovalcu poleg podatkov iz prejšnjega odstavka obsega tudi podatke o:
1. osnovah in merilih za udeležbo pri dobičku;
2. tabeli odkupnih vrednosti;
3. minimalni zavarovalni vsoti ali minimalnemu obdobju trajanja zavarovanja za spremembo zavarovanja v zavarovanje brez premije (kapitalizacija) in o pravicah iz takega zavarovanja;
4. v primeru zavarovanj, pri katerih so upravičenja vezana na enote investicijskega sklada, o naložbah in naravi sredstev investicijskega sklada;
5. v primeru zavarovanj, pri katerih so upravičenja neposredno povezana s spremembo indeksa vrednostnih papirjev ali drugo referenčno vrednostjo, o indeksu vrednostnih papirjev ali o drugi referenčni vrednosti;
6. o davčni ureditvi, ki velja v primeru zavarovanja.

(4) Kadar se zavarovalni produkt kot del paketa ali skupnega dogovora ponudi skupaj s stranskim produktom ali stransko storitvijo, ki ni zavarovanje, seznani distributer zavarovalnih produktov zavarovalca o tem, ali obstaja možnost nakupa posameznih delov ločeno, ter v tem primeru zagotovi ustrezen opis posameznih delov paketa ali skupnega dogovora ter zagotovi ločeni prikaz stroškov in plačil za vsak posamezni del.

(5) V primeru iz prejšnjega odstavka in če se tveganje ali zavarovalno kritje, ki izhaja iz takega paketa ali skupnega dogovora, ponujenega zavarovalcu, razlikuje od tveganj ali zavarovalnih kritij posameznih delov, distributer zavarovalnih produktov zagotovi ustrezen

12. conditions for a moratorium;
13. whether they provide advice about the insurance product they sell.

(2) In the case of life insurance, the notification, in writing or by electronic means referred to in the preceding paragraph, or the submitted general terms and conditions of insurance, shall also include information needed to understand the risks borne by the policyholder by concluding an insurance contract and information regarding the right referred to in Article 525 of this Act.

(3) In the case of life, accident and health insurance with the right to refund of a part of an insurance premium, the notification to the policyholder shall include, in addition to the data referred to in the preceding paragraph, data regarding:
1. basis and criteria for participation in profit;
2. a table of policy surrender values;
3. the minimum insurance amount or minimum insurance period required to modify insurance into paid-up insurance (capitalisation) and rights arising from this insurance;
4. in the case of insurance where benefits are linked to investment fund units, regarding investments and the nature of assets of an investment fund;
5. in the case of insurance where benefits are directly linked to changes in the securities index or any other reference value, regarding the securities index or any other reference value;
6. the tax regime applicable to insurance.

(4) When an insurance product is offered together with an ancillary product or service which is not insurance, as part of a package or joint agreement, the insurance distributor shall inform the policyholder whether it is possible to buy the different components separately and, if so, shall provide an adequate description of the different components of the package or joint agreement as well as separate evidence of the costs and charges of each component.

(5) In the circumstances referred to in the preceding paragraph, and where the risk or the insurance coverage resulting from such a package or joint agreement offered to a policyholder is different from that associated with the components taken separately, the insurance

opis posameznih delov paketa ali skupnega dogovora ter spremembe tveganj ali zavarovalnih kritij, ki nastanejo zaradi medsebojnega vplivanja.

(6) Kadar je zavarovalni produkt dopolnilni produkt blaga ali storitve, ki ni zavarovalna pogodba, kot del paketa ali skupnega dogovora, distributer zavarovalnih produktov ponudi zavarovalcu možnost nakupa blaga ali storitve ločeno. Ta določba se ne uporablja, kadar je zavarovalni produkt dopolnilni produkt v razmerju do investicijske storitve ali dejavnosti, kot je opredeljena v zakonu, ki ureja trg finančnih instrumentov, v razmerju do investicijskih skladov in alternativnih investicijskih skladov, kot so opredeljeni v zakonih, ki urejata investicijske sklade in alternativne investicijske sklade, v razmerju do dodatnega pokojninskega zavarovanja, kot je opredeljeno v zakonu, ki ureja dodatno pokojninsko zavarovanje, v razmerju do kreditne pogodbe, kot je opredeljena v zakonu, ki ureja potrošniške kredite, ali v razmerju do plačilnega računa, kot je opredeljen v zakonu, ki ureja plačilne storitve, storitve izdajanja elektronskega denarja in plačilne sisteme.

(7) V primerih iz četrtega in šestega odstavka tega člena distributer zavarovalnih produktov določi zahteve in potrebe zavarovalca glede na zavarovalne produkte, ki so del celotnega paketa ali skupnega dogovora.

(8) Četrti do sedmi odstavek tega člena se ne nanašajo na zavarovalne produkte, ki zagotavljajo kritja za različne vrste tveganj (paketne zavarovalne pogodbe).

523. člen
(obveščanje zavarovalcev v času trajanja zavarovalne pogodbe)

(1) V času trajanja zavarovalne pogodbe iz prvega odstavka 521. člena tega zakona zavarovalnica zavarovalce obvešča o:

1. spremembi firme, pravnoorganizacijske oblike, sedeža ali naslova zavarovalnice oziroma podružnice, prek katere je bila sklenjena zavarovalna pogodba;
2. spremembah podatkov iz 6., 8. in 12. točke prvega odstavka prejšnjega člena ali podatkov iz 1. do 5. točke tretjega odstavka prejšnjega člena, če je do teh sprememb prišlo zaradi spremembe

distributor shall provide an adequate description of the different components of the package or joint agreement and the way in which their interaction modifies the risk or the insurance coverage.

(6) Where an insurance product is ancillary to goods or services which are not insurance, as part of a package or joint agreement, the insurance distributor shall offer the policyholder the possibility of buying the goods or services separately. This provision shall not apply where an insurance product is ancillary to an investment service or activity as defined in the Act governing the financial instruments market, in relation to investment funds and alternative investment funds, as defined in the Acts governing investment funds and alternative investment funds, in relation to supplementary pension insurance, as defined in the Act governing supplementary pension insurance, in relation to the credit agreement as defined in the Act governing consumer credits, or in relation to a payment account, as defined in the Act governing payment services, electronic money issuing services and payment systems.

(7) In the cases referred to in paragraphs four and six of this Act, an insurance distributor shall specify the demands and needs of the policyholder in relation to the insurance products that form part of the overall package or joint agreement.

(8) Paragraphs four to seven of this Article shall not apply to insurance products which provide coverage for various types of risks (multi-risk insurance policies).

Article 523
(Notifying policyholders during the term of an insurance contract)

(1) During the term of an insurance contract referred to in paragraph one of Article 521 of this Act, an insurance undertaking shall notify policyholders regarding:

1. changes to the corporate name, legal form, head office or address of the insurance undertaking or branch that has concluded the insurance contract;
2. changes in data referred to in points 6, 8 and 12 of paragraph one of the preceding Article or data referred to in points 1 to 5 of paragraph three of the preceding Article, if these changes occurred due to

predpisov.

(2) V času trajanja zavarovalne pogodbe iz tretjega odstavka prejšnjega člena zavarovalnica enkrat letno obvesti zavarovalca tudi:

1. o stanju udeležbe pri dobičku,
2. v primeru zavarovanj iz 21. točke drugega odstavka 7. člena tega zakona o stanju upravičenj zavarovalca vključno z donosnostjo.

524. člen
(način zagotavljanja podatkov)

(1) Distributer zavarovalnih produktov zagotovi zavarovalcu in potencialnemu zavarovalcu podatke iz 521. do 523. člena tega zakona pisno v slovenskem jeziku. Podatki so podani razumljivo, odkrito, pošteno in strokovno v skladu z najboljšimi interesi zavarovalcev.

(2) Brez poseganja v določila zakona, ki ureja varstvo potrošnikov pred nepoštenimi poslovnimi praksami, so podatki iz prejšnjega odstavka, ki jih distributer zavarovalnih produktov zagotovi zavarovalcu ali potencialnemu zavarovalcu, vključno s trženjskimi sporočili, pošteni, jasni in nezavajajoči. Trženjska sporočila so vedno jasno prepoznavna kot taka.

(3) Ne glede na določbo prvega odstavka tega člena lahko distributer zavarovalnih produktov zavarovalca ali potencialnega zavarovalca o podatkih iz prvega odstavka tega člena obvešča izključno po elektronski pošti ob izrecnem pisnem soglasju zavarovalca ali potencialnega zavarovalca glede navedenega načina obveščanja, pri čemer je zavarovalec ali potencialni zavarovalec pisno obveščen, da lahko to soglasje po elektronski pošti ali na drug način kadarkoli umakne.

525. člen
(čas za odstop)

Zavarovalec individualne zavarovalne pogodbe o življenjskem

changes in regulations.

(2) During the term of the insurance contract referred to in paragraph three of the preceding Article, an insurance undertaking shall annually also notify policyholders regarding:

1. the outstanding balance of participation in profit,
2. the outstanding balance of benefits of the policyholder, including the rate of return, in the case of insurance referred to in point 21 of paragraph two of Article 7 of this Act.

Article 524
(Manner of providing data)

(1) An insurance distributor shall provide a policyholder and potential policyholder with the information referred to in Articles 521 to 523 of this Act in writing in the Slovenian language. The information shall be provided in an understandable, honest, fair and professional manner in accordance with the best interests of the policyholders.

(2) Without prejudice to the provisions of the Act governing the protection of consumers against unfair commercial practices, the information referred to in the preceding paragraph, including marketing communications, provided by an insurance distributor to a policyholder or potential policyholder shall be fair, clear and not misleading. Marketing communications shall always be clearly identifiable as such.

(3) Notwithstanding the provision of paragraph one of this Article, an insurance distributor may notify a policyholder or potential policyholder of the information referred to in paragraph one of this Article exclusively by electronic mail if the policyholder or potential policyholder gave their explicit written consent regarding the stated manner of notification, where the policyholder or potential policyholder shall be notified in writing that such consent may be withdrawn by electronic mail or any other way at any time.

Article 525
(Deadline for withdrawal)

A policyholder may withdraw from a life insurance contract

zavarovanju lahko v roku 30 dni po tistem, ko je bil obveščen v skladu s 522. členom tega zakona, odstopi od pogodbe.

526. člen
(vsebina splošnih pogojev in obvestil)

Besedilo splošnih zavarovalnih pogojev in obvestil iz 521., 522. in 523. člena tega zakona je enopomensko oblikovano, pregledno razčlenjeno, razumljivo in sestavljeno v slovenskem jeziku.

527. člen
(zavarovalna pogodba obveznega zavarovanja)

Zavarovalna pogodba v zvezi z obveznimi zavarovanji izpolnjuje določbe, ki jih za zavarovalno pogodbo predpisuje ta zakon in drug zakon, ki ureja obvezna zavarovanja.

527.a člen
(plačilo za distribucijo zavarovalnih produktov)

(1) Distributerji zavarovalnih produktov so plačani in plačujejo oziroma ocenjujejo uspešnost distributerjev zavarovalnih produktov, ki so pri njih zaposleni ali v drugem pogodbenem razmerju, na način, ki je v skladu z njihovo dolžnostjo, da delujejo v skladu z najboljšimi interesi zavarovalca. Distributer zavarovalnih produktov zlasti ne sklepa dogovorov glede plačila, prodajnih ciljev ali drugih dogovorov, ki bi njih same ali distributerje zavarovalnih produktov, ki so pri njih zaposleni ali v drugem pogodbenem razmerju, spodbujali, da bi zavarovalcu priporočili določen zavarovalni produkt, če bi distributer zavarovalnih produktov lahko ponudil drug zavarovalni produkt, ki bi bolje zadovoljil potrebe zavarovalca.

(2) Zavarovalnica obvesti pred sklenitvijo zavarovalne pogodbe potencialnega zavarovalca o vrsti plačila, ki ga v zvezi z zavarovalno pogodbo prejmejo tisti, ki so v zavarovalnici zaposleni ali v drugem pogodbenem razmerju.

within 30 days of being notified pursuant to Article 522 of this Act.

Article 526
(Content of general terms and conditions and notifications)

The text of the general terms and conditions of insurance and notifications referred to in Articles 521, 522 and 523 of this Act shall be unequivocally compiled, transparently broken down, understandable and compiled in Slovenian.

Article 527
(Insurance contract on compulsory insurance)

An insurance contract for compulsory insurance shall comply with the provisions prescribed for insurance contracts by this Act and any other Act governing compulsory insurance.

Article 527a
(Remuneration for insurance distribution)

(1) Insurance distributors shall be remunerated and shall remunerate or assess the performance of insurance distributors employed by them or in another contractual relationship in a way that complies with their duty to act in accordance with the best interests of policyholders. In particular, an insurance distributor shall not make any arrangement regarding remuneration, sales targets or others that could provide an incentive to itself or insurance distributors employed by them, or in another contractual relationship to recommend a particular insurance product to a policyholder when the insurance distributor could offer a different insurance product which would better meet the policyholder's needs.

(2) Prior to the conclusion of an insurance contract, an insurance undertaking shall inform a potential policyholder of the type of remuneration received in connection with the insurance contract by those employed by the insurance undertaking or in another contractual relationship.

(3) Če mora zavarovalec katero koli plačilo, razen tekočih premij in načrtovanih plačil, opraviti na podlagi zavarovalne pogodbe po njeni sklenitvi, zavarovalnica ravna smiselno v skladu z devetim odstavkom 545. člena tega zakona.

528. člen
(pravila zavarovalnic glede upoštevanja spola kot osebne okoliščine)

Agencija za zavarovalni nadzor predpiše podrobnejša pravila in merila uporabe sedmega odstavka 521. člena tega zakona.

12.2.2. Dodatne zahteve v zvezi z zavarovalnimi naložbenimi produkti

528.a člen
(področje uporabe dodatnih zahtev)

(1) Pododdelek 12.2.2. določa dodatne zahteve za distribucijo zavarovalnih naložbenih produktov k zahtevam iz 524., 527.a, 545., 546. in 551. člena tega zakona, kadar distribucijo zavarovalnih naložbenih produktov izvaja:

- zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba, banka iz osmega odstavka 558. člena tega zakona ali
- zavarovalnica.

(2) Zavarovalni naložbeni produkti so za potrebe določb tega zakona, povezanih z distribucijo zavarovanj, zavarovanja iz 21. točke drugega odstavka 7. člena tega zakona, razen zavarovalnih pogodb, pri katerih se zavarovalna vsota izplača šele ob smrti ali v primeru nezmožnosti zaradi poškodbe, bolezni ali invalidnosti.

(3) If any payments, other than the ongoing premiums and scheduled payments, are made by the policyholder under the insurance contract after its conclusion, the insurance undertaking shall act *mutatis mutandis* in accordance with paragraph nine of Article 545 of this Act.

Article 528
(Regulations of insurance undertakings regarding gender as a personal circumstance)

The Insurance Supervision Agency shall prescribe detailed rules and criteria regarding the application of paragraph seven of Article 521 of this Act.

12.2.2. Additional requirements in relation to insurance-based investment products

Article 528a
(Scope of additional requirements)

(1) Subsection 12.2.2. establishes additional requirements for the distribution of insurance-based investment products to the requirements referred to in Articles 524, 527a, 545, 546 and 551 of this Act, where the distribution of insurance-based investment products is carried out by:

- an insurance agent, insurance broker, insurance agency company, insurance brokerage company, ancillary insurance intermediary, bank referred to in paragraph eight of Article 558 of this Act or
- an insurance undertaking.

(2) For the needs of the provisions of this Act relating to insurance distribution, an insurance-based investment product shall mean insurance referred to in point 21 of paragraph two of Article 7 of this Act, excluding insurance contracts where the benefits under the contract are payable only on death or in respect of incapacity due to injury, sickness or disability.

528.b člen
(preprečevanje nasprotja interesov)

Brez poseganja v prvi in drugi odstavek 524. ter prvi odstavek 527.a člena tega zakona zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba, ki distribuira zavarovalne naložbene produkte, sprejme in izvaja učinkovito organizacijsko in upravno ureditev, ki omogoča sprejem vseh potrebnih ukrepov, s katerimi prepreči, da bi nasprotje interesov iz 528.c člena tega zakona škodilo interesom njenih zavarovalcev in potencialnih zavarovalcev, in ki je sorazmerna glede na opravljene aktivnosti, prodane zavarovalne naložbene produkte in vrsto distributerja zavarovalnih naložbenih produktov.

528.c člen
(nasprotja interesov)

(1) Zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba in zavarovalno posredniška družba sprejmejo ustrezne ukrepe za ugotavljanje medsebojnih nasprotij interesov, vključno med njihovimi vodilnimi in zaposlenimi ali katero koli osebo, ki je posredno ali neposredno povezana z njimi prek nadzora, in njihovimi strankami, ali med strankami, ki nastanejo med distribucijo zavarovalnih naložbenih produktov.

(2) Kadar organizacijski ali administrativni ukrepi, ki jih v skladu s prejšnjim členom sprejme zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba za obvladovanje nasprotja interesov, ne zadoščajo za razumno zagotovitev, da bo tveganje za škodovanje interesom potencialnih zavarovalcev preprečeno, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba, zavarovalno posredniška družba ali zavarovalnica potencialnemu zavarovalcu pred sklenitvijo zavarovalne pogodbe nedvoumno in pravočasno razkrije splošne značilnosti ali vire nasprotja interesov.

Article 528b
(Prevention of conflicts of interest)

Without prejudice to paragraphs one and two of Article 524 and paragraph one of Article 527a of this Act, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company carrying on the distribution of insurance-based investment products shall establish and operate effective organisational and administrative arrangements with a view to taking all reasonable steps designed to prevent conflicts of interest as defined under Article 528c of this Act from adversely affecting the interests of its policyholders or potential policyholders; these arrangements shall be proportionate to the activities performed, the insurance-based investment products sold and the type of distributor of insurance-based investment products.

Article 528c
(Conflicts of interest)

(1) An insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall take all appropriate steps to identify conflicts of interest between themselves, including their managers and employees, or any person directly or indirectly linked to them by control, and their clients or between one client and another, that arise in the course of carrying out the distribution of insurance-based investment products.

(2) Where organisational or administrative arrangements made by an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company in accordance with the preceding Article to manage conflicts of interest are not sufficient to ensure, with reasonable confidence, that risks of damage to potential policyholders' interests will be prevented, an insurance agent, insurance broker, insurance agency company, insurance brokerage company or insurance undertaking shall clearly disclose to a potential policyholder the general nature or sources of the conflicts of interest in due time before the conclusion of an insurance contract.

(3) Ne glede na štirinajsti odstavek 545. člena tega zakona je razkritje iz prejšnjega odstavka podano na trajnem nosilcu podatkov in vsebuje dovolj podrobnosti, pri čemer so upoštevane značilnosti zavarovalnice in potencialnega zavarovalca, da lahko slednji sprejme informirano odločitev glede distribucije zavarovalnih naložbenih produktov, v okviru katere je prišlo do nasprotja interesov.

528.č člen
(informacije, ki se zagotovijo zavarovalcem ali potencialnim zavarovalcem)

(1) Brez poseganja v 545. in 551. člen tega zakona se ustrezne informacije zavarovalcu ali potencialnemu zavarovalcu zagotovijo pravočasno pred sklenitvijo pogodbe, ob upoštevanju distribucije zavarovalnih naložbenih produktov in vseh stroškov ter povezanih dajatev. Te informacije vključujejo najmanj naslednje:

1. ob svetovanju: ali bo zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba zavarovalcu redno zagotavljala oceno primernosti zavarovalnih naložbenih produktov, ki se priporočijo temu zavarovalcu, iz 528.d člena tega zakona;

2. glede informacij o zavarovalnih naložbenih produktih in predlaganih investicijskih strategijah: ustrezne smernice in opozorila v zvezi z naložbenimi življenjskimi zavarovanji, glede tveganj, povezanih z zavarovalnimi naložbenimi produkti ali v zvezi s posameznimi predlaganimi naložbenimi strategijami, ki se podajo v skladu z Uredbo (EU) št. 1286/2014 Evropskega parlamenta in Sveta z dne 26. novembra 2014 o dokumentih s ključnimi informacijami o paketnih naložbenih produktih za male vlagatelje in o zavarovalnih naložbenih produktih (PRIIP) in v skladu z drugimi zavezujočimi predpisi;

3. glede informacij o vseh stroških in povezanih dajatvah, ki jih je treba razkriti: informacije o stroških in povezanih dajatvah, ki se podajo v skladu z Uredbo (EU) št. 1286/2014 Evropskega parlamenta in Sveta z dne 26. novembra 2014 o dokumentih s ključnimi informacijami o paketnih naložbenih produktih za male vlagatelje in o zavarovalnih naložbenih produktih (PRIIP) in v skladu z Delegirano uredbo

(3) Notwithstanding paragraph fourteen of Article 545 of this Act, the disclosure referred to in the preceding paragraph shall be made on a durable medium and include sufficient detail, taking into account the nature of the insurance undertaking and potential policyholder, to enable the latter to take an informed decision with respect to the distribution of insurance-based investment products in the context of which the conflict of interest arises.

Article 528č
(Information to policyholders or potential policyholders)

(1) Without prejudice to Articles 545 and 551 of this Act, appropriate information shall be provided to a policyholder or potential policyholder in due time, prior to the conclusion of a contract, with regard to the distribution of insurance-based investment products and all costs and related charges. That information shall include at least the following:

1. when advice is provided, whether the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company will provide the policyholder with a periodic assessment of the suitability of the insurance-based investment products recommended to that policyholder, as referred to in Article 528d of this Act;
2. as regards the information on insurance-based investment products and proposed investment strategies: appropriate guidance on, and warnings of, the risks associated with investment-linked life insurance products, the risks associated with insurance-based investment products or in respect of particular investment strategies proposed pursuant to Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) and in accordance with other binding regulations;
3. as regards the information on all costs and related charges to be disclosed: information on all costs and related charges provided pursuant to Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) and Commission Delegated Regulation

Komisije (EU) 2017/653 z dne 8. marca 2017 o dopolnitvi Uredbe (EU) št. 1286/2014 Evropskega parlamenta in Sveta o dokumentih s ključnimi informacijami o paketnih naložbenih produktih za male vlagatelje in o zavarovalnih naložbenih produktih (PRIIP) z določitvijo regulativnih tehničnih standardov glede prikaza, vsebine, pregleda in revizije dokumentov s ključnimi informacijami ter pogojev za izpolnitev zahteve za zagotavljanje takih dokumentov, ter informacije o tem, kako zavarovalec plača za naložbeno življenjsko zavarovanje, in o morebitnih plačilih tretjih oseb.

(2) Informacije iz 3. točke prejšnjega odstavka se, kadar je to potrebno, zavarovalcu zagotovijo redno vsaj vsako leto v času trajanja naložbenega življenjskega zavarovanja.

(3) Informacije iz prvega odstavka tega člena se zagotovijo v razumljivi obliki na način, ki zavarovalcem ali potencialnim zavarovalcem omogoča, da razumejo značilnosti in tveganja ponujenega zavarovalnega naložbenega produkta ter da se posledično odločajo o naložbi na podlagi informacij. Te informacije se lahko zagotovijo v standardizirani obliki.

(4) Brez poseganja v 8. in 9. točko drugega odstavka in deveti odstavek 545. člena tega zakona zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba izpolnjuje obveznosti iz 521. do 528.c člena tega zakona, kadar katerikoli osebi, razen zavarovalcu ali osebi, ki deluje v njegovem imenu, plača ali od nje prejme honorar ali provizijo ali ji zagotovi ali od nje prejme nedenarno korist v zvezi z zagotavljanjem zavarovalnega naložbenega produkta ali izvajanjem pomožne storitve, razen kadar plačilo ali zagotovitev koristi:

1. nima škodljivega vpliva na kakovost zadevne storitve za zavarovalca in
2. ne vpliva na izpolnjevanje dolžnosti zavarovalnice, zavarovalnega zastopnika, zavarovalnega posrednika, zavarovalno zastopniške družbe ali zavarovalno posredniške družbe, da deluje pošteno, pravično in strokovno v skladu z najboljšimi interesi zavarovalca.

528.d člen
(ocena primernosti in ustreznosti ter poročanje zavarovalcem in

(EU) 2017/653 of 8 March 2017 supplementing Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents, and information on how the policyholder may pay for investment-linked life insurance, also encompassing any third party payments.

(2) Where applicable, information referred to in point 3 of the preceding paragraph shall be provided to the policyholder on a regular basis, at least annually, during the life cycle of the investment-linked life insurance.

(3) The information referred to in paragraph one of this Article shall be provided in a comprehensible form in such a manner that policyholders or potential policyholders are reasonably able to understand the nature and risks concerning the insurance-based investment product offered and, consequently, to take investment decisions on an informed basis. This information may be provided in a standardised format.

(4) Without prejudice to points 8 and 9 of paragraph two and paragraph nine of Article 545 of this Act, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall be deemed to fulfil its obligations under Articles 521 to 528c of this Act where they pay or are paid any fee or commission, or provide or are provided with any non-monetary benefit in connection with the distribution of an insurance-based investment product or ancillary service, to or by any party except the policyholder or a person on behalf of the policyholder only where the payment or benefit:

1. does not have a detrimental impact on the quality of the relevant service to the policyholder and
2. does not impair compliance with the duty of the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company to act honestly, fairly and professionally in accordance with the best interests of its policyholder.

Article 528d
(Assessment of suitability and appropriateness and reporting to

potencialnim zavarovalcem)

(1) Brez poseganja v deseti, enajsti in dvanajsti odstavek 545. člena tega zakona zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba pri svetovanju o zavarovalnem naložbenem produktu od zavarovalca ali potencialnega zavarovalca pridobi tudi potrebne informacije v zvezi z znanjem in izkušnjami s področja naložb, povezanih s specifično vrsto zavarovalnega produkta ali storitve, ter v zvezi s finančnim položajem te osebe, kar vključuje njeno zmožnost kritja izgub ter naložbene cilje te osebe, vključno z njeno stopnjo dovoljenega tveganja, da lahko zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška ali zavarovalno posredniška družba zavarovalcu ali potencialnemu zavarovalcu priporoči zavarovalne naložbene produkte, ki so zanj primerni in so predvsem v skladu z dovoljenim tveganjem te osebe in njeno zmožnostjo za kritje izgub.

(2) Pri investicijskem svetovanju zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba, ki priporoča paket ali skupni dogovor v skladu s četrtim do osmim odstavkom 522. člena tega zakona, zagotovi, da je paket ali skupni dogovor primeren.

(3) Brez poseganja v deseti, enajsti in dvanajsti odstavek 545. člena tega zakona zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba pri distribuciji zavarovalnih produktov, ki niso produkti iz prvega in drugega odstavka tega člena, v zvezi s prodajo brez svetovanja zavarovalca ali potencialnega zavarovalca pozove, da zagotovi informacije glede svojega znanja in izkušenj s področja naložb, povezanih z vrsto zavarovalnega produkta ali storitve, da zavarovalnici, zavarovalnemu zastopniku, zavarovalnemu posredniku, zavarovalno zastopniški družbi ali zavarovalno posredniški družbi omogoči, da oceni, ali je predvidena storitev ali zavarovalni produkt ustrezen za zavarovalca ali potencialnega zavarovalca. Kadar se predvidi paket ali skupni dogovor v skladu s četrtim do osmim odstavkom 522. člena tega zakona, se pri oceni upošteva, ali je paket ali skupni dogovor ustrezen.

(4) Če zavarovalnica, zavarovalni zastopnik, zavarovalni

policyholders and potential policyholders)

(1) Without prejudice to paragraphs ten, eleven and twelve of Article 545 of this Act, when providing advice on an insurance-based investment product, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall also obtain the necessary information regarding the policyholder's or potential policyholder's knowledge and experience in the investment field relevant to the specific type of insurance product or service, that person's financial situation including that person's ability to bear losses, and that person's investment objectives, including that person's risk tolerance, so as to enable the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company to recommend to the policyholder or potential policyholder the insurance-based investment products that are suitable for that person and that, in particular, are in accordance with that person's risk tolerance and ability to bear losses.

(2) Where an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company, which recommends a package or joint agreement pursuant to paragraphs four to eight of Article 522 of this Act, provides investment advice, it shall ensure that the package or joint agreement is appropriate.

(3) Without prejudice to paragraphs ten, eleven and twelve of Article 545 of this Act, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall, when carrying out insurance distribution activities other than those referred to in paragraphs one and two of this Article, in relation to sales where no advice is given, ask the policyholder or potential policyholder to provide information regarding that person's knowledge and experience in the investment field relevant to the specific type of insurance product or service so as to enable the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company to assess whether the insurance service or product envisaged is appropriate for the policyholder or potential policyholder. Where a package or joint agreement is envisaged pursuant to paragraphs four to eight of Article 522 of this Act, the assessment shall consider whether the package or joint agreement is appropriate.

(4) Where an insurance undertaking, insurance agent,

posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba na podlagi informacij, prejetih v skladu s prejšnjim odstavkom, meni, da zavarovalni produkt ni ustrezen za zavarovalca ali potencialnega zavarovalca, zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba zavarovalca ali potencialnega zavarovalca na to opozori. To opozorilo se lahko zagotovi v standardizirani obliki.

(5) Kadar zavarovalci ali potencialni zavarovalci ne zagotovijo informacij iz tretjega odstavka tega člena ali kadar zagotovijo nezadostne informacije v zvezi s svojim znanjem in izkušnjami, jih zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba opozori, da ne more ugotoviti, ali je predvideni zavarovalni produkt zanje ustrezen. To opozorilo se lahko zagotovi v standardizirani obliki.

(6) Brez poseganja v deseti, enajsti in dvanajsti odstavek 545. člena tega zakona v primerih, ko ni svetovanja v zvezi z zavarovalnimi naložbenimi produkti, ni treba pridobiti informacij niti opraviti ocene in podati opozorila iz tretjega in četrtega odstavka tega člena, kadar so izpolnjeni vsi naslednji pogoji:

1. distribucija se nanaša na enega od naslednjih zavarovalnih naložbenih produktov:
   - pogodbo, pri kateri gre samo za izpostavljenost naložbenemu tveganju v zvezi s finančnimi instrumenti, ki se v skladu z zakonom, ki ureja trg finančnih instrumentov, štejejo za nezapletene in v zvezi z enotami investicijskih skladov po zakonu, ki ureja investicijske sklade in družbe za upravljanje, ter posebnih investicijskih skladov po zakonu, ki ureja alternativne investicijske sklade, katerih struktura ni takšna, da bi bila tveganja za zavarovalca težko razumljiva, ali
   - drugo nezapleteno zavarovalno naložbo;
2. distribucija zavarovalnega naložbenega produkta poteka na pobudo zavarovalca ali potencialnega zavarovalca;
3. zavarovalec ali potencialni zavarovalec je jasno obveščen, da pri distribuciji zavarovalnega naložbenega produkta zavarovalnici, zavarovalnemu zastopniku, zavarovalnemu posredniku, zavarovalno zastopniški družbi ali zavarovalno posredniški družbi ni treba oceniti primernosti ponujenega ali zagotovljenega zavarovalnega

insurance broker, insurance agency company or insurance brokerage company considers, on the basis of the information received under the preceding paragraph, that the product is not appropriate for the policyholder or potential policyholder, the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall warn the policyholder or potential policyholder to that effect. That warning may be provided in a standardised format.

(5) Where policyholders or potential policyholders do not provide the information referred to in paragraph three of this Article, or where they provide insufficient information regarding their knowledge and experience, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall warn them that it is not in a position to determine whether the product envisaged is appropriate for them. That warning may be provided in a standardised format.

(6) Without prejudice to paragraphs ten, eleven and twelve of Article 545 of this Act, where no advice is given in relation to insurance-based investment products, there is no need to obtain the information or make the determination and give a warning referred to in paragraphs three and four of this Article where all the following conditions are met:

1. distribution refers to either of the following insurance-based investment products:
   - a contract which only provides investment exposure to the financial instruments deemed non-complex under the Act governing the financial instruments market and units of investment funds under the Act governing investment funds and management companies and units of special investment funds under the Act governing alternative investment funds, which do not incorporate a structure which makes it difficult for the policyholder to understand the risks involved, or
   - other non-complex insurance-based investments;
2. the distribution of an investment-based insurance product is carried out on the initiative of the policyholder or potential policyholder;
3. the policyholder or potential policyholder has been clearly informed that, in the distribution of an investment-based insurance product, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company is not required to assess the appropriateness of the insurance-based investment

naložbenega produkta in da zavarovalec ali potencialni zavarovalec ni deležen ustrezne zaščite v zvezi s pravili o poslovanju. Tako opozorilo se lahko zagotovi v standardizirani obliki;

4. zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba spoštuje zahteve iz 528.b in 528.c člena tega zakona.

(7) Vse zavarovalnice, zavarovalni zastopniki, zavarovalni posredniki, zavarovalno zastopniške ali zavarovalno posredniške družbe, vključno s tistimi, ki poslujejo v okviru svobode opravljanja storitev ali svobode ustanavljanja, pri sklepanju zavarovalnih pogodb z zavarovalci, ki imajo običajno bivališče ali so ustanovljeni v državi članici, ki ne uporablja odstopanja iz prejšnjega odstavka, upoštevajo predpise v tej državi članici.

(8) Zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška ali zavarovalno posredniška družba vzpostavi evidenco dokumentov, sklenjenih med njo in zavarovalcem, v katerih so določene pravice in obveznosti podpisnikov ter drugi pogoji, pod katerimi zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška ali zavarovalno posredniška družba zagotavlja svoje storitve zavarovalcu. Pravice in obveznosti strank pogodbe so lahko vključene s sklici na druge dokumente ali pravna besedila.

(9) Zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba zavarovalcu na trajnem nosilcu podatkov zagotovi primerna poročila o storitvah, ki jih zagotavlja. Ta poročila vključujejo redna sporočila zavarovalcu, ob upoštevanju vrste in zapletenosti posameznih zavarovalnih naložbenih produktov in lastnosti storitev, ki se zagotavljajo zavarovalcu, ter, kadar je to ustrezno, vključujejo stroške v zvezi s transakcijami in storitvami, izvedenimi v imenu zavarovalca.

(10) Zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška ali zavarovalno posredniška družba pri svetovanju o zavarovalnem naložbenem produktu zavarovalcu pred

product provided or offered and that the policyholder or potential policyholder does not benefit from the corresponding protection of the relevant conduct of business rules. Such a warning may be provided in a standardised format;

4. an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company complies with the requirements of Articles 528b and 528c of this Act.

(7) All insurance undertakings, insurance agents, insurance brokers, insurance agency companies or insurance brokerage companies, including those operating under the freedom to provide services or the freedom of establishment, when concluding insurance contracts with policyholders that have their habitual residence or establishment in a Member State which does not make use of the derogation referred to in the preceding paragraph, shall comply with the applicable regulations in that Member State.

(8) An insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall establish a record of documents agreed between the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company and the policyholder that set out the rights and obligations of the parties, and the other terms on which the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall provide services to the policyholder. The rights and duties of the parties to the contract may be incorporated by reference to other documents or legal texts.

(9) An insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall provide the policyholder with adequate reports on the services provided on a durable medium. Those reports shall include periodic communications to policyholders, taking into account the type and complexity of the insurance-based investment products involved and the nature of the services provided to the policyholder and shall include, where applicable, the costs associated with the transactions and services provided on behalf of the policyholder.

(10) When providing advice on an insurance-based investment product, an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company shall, prior

sklenitvijo pogodbe na trajnem nosilcu podatkov zagotovi izjavo o ustreznosti, v kateri navede podrobnosti svetovanja in kako ta nasvet ustreza željam, ciljem in drugim značilnostim zavarovalca. Pri tem veljajo pogoji iz štirinajstega do sedemnajstega odstavka 545. člena tega zakona.

(11) Kadar se pogodba sklene s sredstvi komuniciranja na daljavo, kar onemogoča predhodno predložitev izjave o ustreznosti, lahko zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška ali zavarovalno posredniška družba izjavo o ustreznosti posreduje na trajnem nosilcu podatkov takoj, ko se zavarovalec zaveže s pogodbo, pod pogojem, da sta izpolnjena oba naslednja pogoja:

1. zavarovalec soglaša, da bo izjavo o ustreznosti prejel brez nepotrebnega odlašanja po sklenitvi pogodbe, in
2. je zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška družba ali zavarovalno posredniška družba zavarovalcu dala možnost odložitve sklenitve pogodbe, da bi ta pred tem prejel izjavo o ustreznosti.

(12) Kadar zavarovalnica, zavarovalni zastopnik, zavarovalni posrednik, zavarovalno zastopniška ali zavarovalno posredniška družba obvesti zavarovalca, da bo izvedla redno ocenjevanje ustreznosti, redno poročilo vsebuje posodobljeno oceno o primernosti zavarovalnega naložbenega produkta glede na želje, cilje in druge značilnosti zavarovalca.

12.2.3. Zavarovanje stroškov postopka

528.e člen
(zavarovanje stroškov postopka)

(1) Členi 528.f do 528.i se uporabljajo za zavarovanje stroškov postopka iz 17. točke drugega odstavka 7. člena tega zakona, v okviru katerega se zavarovalnica proti plačilu premije zaveže, da bo krila stroške postopkov in nudila druge storitve, ki so neposredno povezane z zavarovalnim kritjem, in sicer zlasti z namenom:

to the conclusion of the contract, provide the policyholder with a suitability statement on a durable medium specifying the advice given and how that advice meets the preferences, objectives and other characteristics of the policyholder. The conditions set out in paragraphs fourteen to seventeen of Article 545 of this Act shall apply.

(11) Where the contract is concluded using a means of distance communication which prevents the prior delivery of the suitability statement, the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company may provide the suitability statement on a durable medium immediately after the policyholder is bound by any contract, provided both of the following conditions are met:

1. the policyholder has consented to receiving the suitability statement without undue delay after the conclusion of the contract and
2. the insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company has given the policyholder the option of delaying the conclusion of the contract in order to receive the suitability statement in advance of such conclusion.

(12) Where an insurance undertaking, insurance agent, insurance broker, insurance agency company or insurance brokerage company has informed the policyholder that it will carry out a periodic assessment of suitability, the periodic report shall contain an updated statement of how the insurance-based investment product meets the policyholder’s preferences, objectives and other characteristics of the policyholder.

12.2.3. Legal expenses insurance

Article 528e
(Legal expenses insurance)

(1) Articles 528f to 528i shall apply to legal expenses insurance referred to in point 17 of paragraph two of Article seven of this Act whereby an insurance undertaking promises, against the payment of a premium, to bear the costs of legal proceedings and to provide other services directly linked to insurance cover, in particular with a view to the

1. zagotovitve nadomestila za izgubo, materialno škodo ali telesno poškodbo, ki jo utrpi zavarovanec, in sicer bodisi z zunajsodno poravnavo bodisi v civilnem ali kazenskem postopku;
2. obrambe ali zastopanja zavarovanca v civilnih, kazenskih, upravnih ali drugih postopkih oziroma v zvezi s katerokoli terjatvijo zoper zavarovanca.

(2) Členi 528.f do 528.i se ne uporabljajo za:
1. zavarovanje stroškov postopka, če se takšno zavarovanje nanaša na spore ali nevarnosti, ki izhajajo iz uporabe morskih plovil ali so z njo povezane;
2. dejavnost, ki jo zavarovalnica, ki sklepa zavarovanja civilne odgovornosti, opravlja za namen obrambe ali zastopanja zavarovanca v sodnem ali upravnem postopku, če se takšna dejavnost hkrati opravlja v lastnem interesu te zavarovalnice v skladu s takšnim zavarovanjem;
3. dejavnost zavarovanja stroškov postopka, ki jo opravlja zavarovalnica, ki sklepa zavarovanja pomoči, ki izpolnjuje naslednje pogoje:
   - dejavnost se opravlja v državi članici, ki ni država, v kateri je običajno prebivališče zavarovanca;
   - dejavnost predstavlja del pogodbe, ki krije le pomoč, zagotovljeno osebam, ki zaidejo v težave med potovanjem, ko so odsotni z doma ali običajnega prebivališča.

(3) Za namene 3. točke prejšnjega odstavka je v pogodbi jasno navedeno, da je kritje stroškov postopka omejeno na okoliščine iz navedene točke in da je dodatno zavarovanje k pomoči.

528.f člen
(ločene pogodbe)

Kritje stroškov postopka je predmet pogodbe, ki je ločena od pogodbe, sestavljene za druge zavarovalne vrste, ali pa se obravnava v ločenem delu zavarovalne police, v katerem se opredelita kritje stroškov postopka in znesek ustrezne premije.

following:
1. securing compensation for the loss, damage or injury suffered by the insured person, by out-of-court settlement or through civil or criminal proceedings;
2. defending or representing the insured person in civil, criminal, administrative or other proceedings or in respect of any claim made against that person.

(2) Articles 528f and 528i shall not apply to:
1. legal expenses insurance where such insurance concerns disputes or risks arising out of, or in connection with, the use of sea-going vessels;
2. the activity pursued by an insurance undertaking providing civil liability cover for the purpose of defending or representing the insured person in any inquiry or proceedings where that activity is at the same time pursued in the own interest of that insurance undertaking under such cover;
3. the activity of legal expenses insurance undertaken by an assistance insurer which complies with the following conditions:

   - the activity is pursued in a Member State other than that in which the insured person is habitually resident;
   - the activity forms part of a contract covering solely assistance provided for persons who fall into difficulties while travelling, while away from their home or their habitual residence.

(3) For the purposes of point 3 of the preceding paragraph, the contract shall clearly state that the cover concerned is limited to the circumstances referred to in that point and is ancillary to the assistance.

Article 528f
(Separate contracts)

Legal expenses cover shall be the subject of a contract separate from that drawn up for other classes of insurance or shall be dealt with in a separate section of an insurance policy in which the nature of the legal expenses cover and the amount of the relevant premium are specified.

528.g člen
(upravljanje zahtevkov)

(1) Zavarovalnice po lastni izbiri sprejmejo vsaj eno od metod upravljanja zahtevkov, določenih v drugem, tretjem in četrtem odstavku tega člena. Ne glede na to, katero od navedenih metod zavarovalnica sprejme, se šteje, da so interesi zavarovalcev enakovredno zavarovani.

(2) Zavarovalnice zagotovijo, da nihče od zaposlenih, ki se ukvarja z upravljanjem zahtevkov v zvezi z zavarovanjem stroškov postopka ali pravnim svetovanjem v zvezi z njim, hkrati ne opravlja enakih ali podobnih nalog v drugi zavarovalnici, ki je finančno, poslovno ali poslovodno povezana s prvo zavarovalnico in ki opravlja zavarovalne posle v eni ali več drugih zavarovalnih vrst iz zavarovalne skupine premoženjskih zavarovanj.

(3) Zavarovalnica upravljanje zahtevkov v zvezi z zavarovanjem stroškov postopka ali pravnim svetovanjem poveri drugi pravni osebi. Ta oseba je navedena v ločeni pogodbi ali ločenem delu zavarovalne police iz 528.f člena tega zakona. Če je ta oseba povezana z zavarovalnico, ki opravlja zavarovalne posle v eni ali več drugih zavarovalnih vrst iz zavarovalne skupine premoženjskih zavarovanj, zaposleni v tej osebi, ki se ukvarjajo z upravljanjem zahtevkov v zvezi z zavarovanjem stroškov postopka ali pravnim svetovanjem v zvezi z njim, ne smejo hkrati opravljati enakih ali podobnih nalog v drugi zavarovalnici.

(4) V pogodbi mora biti določeno, da lahko zavarovanec po lastni izbiri poveri pooblastilo odvetniku oziroma katerikoli drugi ustrezno usposobljeni osebi glede na postopkovna pravila, ki določajo, kdo je lahko pooblaščenec v sodnih in upravnih postopkih, od tedaj, ko ima zavarovanec zahtevek v skladu s pogodbo.

528.h člen
(prosta izbira odvetnika)

Vsaka pogodba o zavarovanju stroškov postopka izrecno

Article 528g
(Management of claims)

(1) Insurance undertakings shall, by their own choice, adopt at least one of the claim management methods set out in paragraphs two, three and four of this Article. Regardless of which of these methods the insurance undertaking adopts, the interests of the policyholders shall be deemed to be equally protected.

(2) Insurance undertakings shall ensure that no member of staff who is concerned with the management of legal expenses insurance claims or with legal advice in respect thereof pursues at the same time the same or a similar activity in another insurance undertaking having financial, commercial or management links with the first insurance undertaking and conducting insurance business in one or several of the other insurance classes in the non-life insurance group.

(3) The insurance undertaking shall entrust the management of claims in respect of legal expenses insurance to another legal person. That entity shall be mentioned in a separate contract or separate section of an insurance contract referred to in Article 528f of this Act. If that entity is connected with the insurance undertaking conducting insurance business in one or several of the other insurance classes in the non-life insurance group, no member of staff of that entity who is concerned with the management of legal expenses insurance claims or with legal advice in respect thereof shall be allowed to pursue at the same time the same or a similar activity in another insurance undertaking.

(4) The contract shall provide that the insured person may instruct a lawyer of their choice or any other appropriately qualified person in accordance with the procedural rules stipulating who can be the authorised person in judicial and administrative proceedings from the moment when that insured person has a claim under that contract.

Article 528h
(Free choice of lawyer)

Any contract of legal expenses insurance shall expressly

določa:
- da ima zavarovanec pravico do izbire odvetnika ali druge osebe, če je potreben odvetnik oziroma druga ustrezno usposobljena oseba glede na postopkovna pravila, ki določajo, kdo je lahko pooblaščenec, ki lahko zastopa interese zavarovanca v sodnem ali upravnem postopku;
- da imajo zavarovanci v primeru navzkrižja njihovih interesov pravico do izbire odvetnika ali druge ustrezno usposobljene osebe glede na postopkovna pravila, ki določajo, kdo je lahko pooblaščenec v sodnem ali upravnem postopku.

528.i člen
(navzkrižje interesov)

Ob navzkrižju interesov ali nesoglasju glede reševanja spora zavarovalnica obvesti zavarovanca o pravici iz 528.h člena tega zakona in o možnosti uveljavljanja postopka iz drugega odstavka 579. člena tega zakona.

12.3. *Pravo, ki se uporabi za zavarovalno pogodbo*

529. člen
(uporaba določb)

(1) Določbe tega poglavja veljajo za določanje prava za zavarovalne pogodbe z mednarodnim elementom, kadar zavarovanje krije nevarnosti v Republiki Sloveniji oziroma državi članici.

(2) Za določanje prava za zavarovalne pogodbe iz prejšnjega odstavka se uporabljajo določbe 7. člena Uredbe (ES) št. 593/2008 Evropskega parlamenta in Sveta z dne 17. junija 2008 o pravu, ki se uporablja za pogodbena obligacijska razmerja (Rim I) (UL L št. 177 z dne 4. junija 2008, str. 6–16).

(3) Določbe tega poglavja se ne uporabljajo za pozavarovalne pogodbe.

provide:
- that the insured person has the right to choose a lawyer or other person, if a lawyer or other appropriately qualified person in accordance with the procedural rules stipulating who can be the authorised person representing the interests of the insured person in judicial and administrative proceedings is needed;
- that, in the case of a conflict of interest, the insured person has the right to choose a lawyer or other appropriately qualified person in accordance with the procedural rules stipulating who can be the authorised person in judicial and administrative proceedings.

Article 528i
(Conflict of interest)

In the event of a conflict of interest or disagreement regarding the settlement of a dispute, the insurance undertaking shall inform the insured person of the right referred to in Article 528h of this Act and of the possibility of having recourse to the procedure referred to in paragraph two of Article 579 of this Act.

12.3. *Law applicable to an insurance contract*

Article 529
(Application of provisions)

(1) The provisions of this Chapter shall apply for the purpose of determining the law applicable to insurance contracts involving an international element where insurance covers risks in the Republic of Slovenia or in a Member State.

(2) For the purpose of determining the law applicable to insurance contracts referred to in the preceding paragraph, the provisions of Article 7 of Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.6.2008, p. 6–16) shall apply.

(3) The provisions of this Chapter shall not apply to reinsurance contracts.

530. člen
(napotilo na materialnopravne določbe prava tujega prava)

(1) Če določbe tega oddelka napotujejo na tuje pravo, se upoštevajo samo materialnopravne določbe tega prava, ki urejajo vsebino pravnega razmerja, in ne določbe tega prava o napotilu na drugo pravo.

(2) Če obsega posamezna država, katere pravo je treba uporabiti, več delov, na katerih veljajo različne določbe iz prejšnjega odstavka, se pri uporabi določb tega poglavja vsak tak del države šteje za samostojno državo.

531. člen
(tuje pravo, ki je v nasprotju s prisilnimi predpisi)

Določbe tega poglavja ne izključujejo uporabe določb tega oziroma drugih zakonov, ki na prisilen način urejajo vsebino pravnega razmerja na podlagi zavarovalne pogodbe, ne glede na to, katero pravo se uporabi.

13. poglavje:

SOZAVAROVANJE

532. člen
(velike nevarnosti)

(1) Velike nevarnosti so nevarnosti, ki so razvrščene v zavarovalne vrste iz:
1. 4., 5., 6., 7., 11. in 12. točke drugega odstavka 7. člena tega zakona;
2. 14. in 15. točke drugega odstavka 7. člena tega zakona, če se zavarovalec osebno poklicno ukvarja z industrijsko ali trgovinsko dejavnostjo ali pa opravlja katerega od svobodnih poklicev in so nevarnosti povezane s to dejavnostjo;

Article 530
(Reference to substantive provisions of foreign law)

(1) If provisions of this Chapter refer to foreign law, only substantive provisions of that law governing the subject matter of the legal relationship shall be taken into consideration and not the provisions of that law referring to other laws.

(2) If an individual country whose law should be applied consists of several parts, where different provisions referred to in the preceding paragraph apply, each such part of the country shall be deemed an independent country for the purpose of application of the provisions of this Chapter.

Article 531
(Foreign law in contravention of mandatory regulations)

The provisions of this Chapter shall not exclude the application of the provisions of this or other Acts which coercively govern the subject matter of the legal relationship based on an insurance contract, notwithstanding which law is applicable.

Chapter Thirteen

CO-INSURANCE

Article 532
(Large risks)

(1) Large risks shall be risks classified under insurance classes referred to in:
1. points 4, 5, 6, 7, 11 and 12 of paragraph two of Article 7 of this Act;
2. points 14 and 15 of paragraph two of Article 7 of this Act, if a policyholder is engaged professionally in an industrial or commercial activity or in one of the liberal professions, and the risks relate to such activity;

3. 3., 8., 9., 10., 13. in 16. točke drugega odstavka 7. člena tega zakona, če zavarovalec presega meje najmanj dveh od naslednjih meril:
   - bilančno vsoto 6.200.000 eurov,
   - letni neto promet 12.800.000 eurov,
   - povprečno število zaposlenih 250 v poslovnem letu.

(2) Če zavarovalec spada v skupino podjetij, za katera se pripravlja konsolidirana bilanca, se merila iz 3. točke prejšnjega odstavka uporabljajo na osnovi konsolidirane bilance.

533. člen
(sozavarovanje)

(1) Zavarovalnica v sozavarovanje ne sme prevzeti nevarnosti v obsegu, ki presegajo njene lastne deleže po posameznih zavarovalnih vrstah po tabelah maksimalnega kritja iz 2. točke drugega odstavka 243. člena tega zakona.

(2) Obseg prevzetih nevarnosti iz prejšnjega odstavka pomeni nevarnosti, ki ostanejo v lastni izravnavi zavarovalnice, če ta prevzete nevarnosti pozavaruje.

(3) Zavarovalnica lahko sozavaruje vse nevarnosti iz zavarovalnih vrst, za katera ima dovoljenje za opravljanje zavarovalnih poslov.

(4) Zavarovalnica vodi statistične podatke, iz katerih je razviden obseg sozavarovalnih poslov na ravni EU in na ravni tretjih držav in EU.

534. člen
(sozavarovalni posli na ravni EU)

(1) Za namen tega člena je sozavarovanje na ravni EU zavarovanje, pri katerem so izpolnjeni naslednji pogoji:
a) zavarovanje krije velike nevarnosti iz 532. člena tega zakona,
b) zavarovanje krije nevarnost z eno samo pogodbo ob plačilu celotne

3. points 3, 8, 9, 10, 13, and 16 of paragraph two of Article 7 of this Act, if a policyholder exceeds the limits of at least two of the following criteria:
   - balance sheet total in the amount of EUR 6,200,000,
   - annual net turnover in the amount of EUR 12,800,000,
   - an average number of employees of 250 in a business year.

(2) If a policyholder is part of a group of companies for which consolidated accounts are drawn up, the criteria referred to in point 3 of the preceding paragraph shall be applied on the basis of the consolidated accounts.

Article 533
(Co-insurance)

(1) An insurance undertaking must not co-insure risks to the extent that exceed its own shares by individual insurance classes pursuant to the maximum coverage tables referred to in point 2 of paragraph two of Article 243 of this Act.

(2) The extent of assumed risks referred to in the preceding paragraph shall mean risks which remain with the insurance undertaking's retention, if the insurance undertaking reinsures the assumed risks.

(3) An insurance undertaking may co-insure all risks from insurance classes for which it has authorisation to conduct insurance business.

(4) Insurance undertakings shall keep statistical data showing the extent of co-insurance transactions at EU level and at the level of third countries and the EU.

Article 534
(Co-insurance business at EU level)

(1) For the purpose of this Article, co-insurance at EU level shall be insurance provided that the following conditions have been fulfilled:
a) insurance covers large risks referred to in Article 532 of this Act,
b) insurance covers a risk by a single contract upon the payment of the

premije za isto obdobje s strani dveh ali več zavarovalnic, vsaka za svoj delež, pri čemer je ena od zavarovalnic vodilna zavarovalnica,

c) zavarovanje krije nevarnost, ki se nahaja znotraj EU,
d) za namen zagotovitve kritja tveganj se vodilna zavarovalnica obravnava kot ena zavarovalnica, ki krije celotna tveganja,
e) vsaj ena od zavarovalnic je v pogodbi udeležena prek sedeža zavarovalnice ali podružnice, ustanovljene v državi članici, ki ni država članica vodilne zavarovalnice,

f) vodilna zavarovalnica v celoti prevzame vodilno vlogo v postopku sozavarovanja, določi zavarovalne pogoje, vključno s premijo, in izda polico.

(2) Vsaka zavarovalnica, ki krije nevarnost v smislu določb prejšnjega odstavka, oblikuje zavarovalno-tehnične rezervacije v skladu s predpisi države, v kateri je ustanovljena, če takšnih predpisov ni, pa v skladu z običajno prakso v tej državi.

(3) Ne glede na določbo prejšnjega odstavka so zavarovalno-tehnične rezervacije najmanj enake tistim, ki jih določi vodilna zavarovalnica v skladu s predpisi države članice, v kateri ima sedež.

(4) Agencija za zavarovalni nadzor za namen opravljanja sozavarovalnih poslov na ravni EU izmenjuje informacije z drugimi zadevnimi nadzornimi organi držav članic. Za izmenjavo informacij se uporablja 11.3. oddelek tega zakona.

(5) Za zavarovalnice, ki niso vodilne zavarovalnice, za posle sozavarovanja iz tega člena ne velja obveznost obveščanja iz 131. in 134. člena tega zakona, ter obveznost imenovanja predstavnika iz 3. točke prvega odstavka 136. člena tega zakona.

535. člen
(sozavarovalni posli na ravni tretjih držav in EU)

(1) Sozavarovanje na ravni tretjih držav in EU je zavarovanje,

overall premium for the same period by two or more insurance undertakings, each for its own part, with one of them being the lead insurance undertaking,
c) insurance covers a risk which is situated within the EU,
d) for the purpose of covering the risk, the leading insurance undertaking is treated as one insurance undertaking covering the entire risk,
e) at least one of the insurance undertakings participates in the contract through a head office of an insurance undertaking or a branch established in a Member State, other than that of the leading insurance undertaking,
f) the leading insurance undertaking fully assumes the leader's role in the co-insurance procedure, determines the conditions of insurance, including the premium, and issues the policy.

(2) Each insurance undertaking covering risks in the meaning of the provisions of the preceding paragraph shall establish technical provisions pursuant to the regulations of the country of establishment and in the absence of such regulations, according to customary practice in that country.

(3) Notwithstanding the provision of the preceding paragraph, technical provisions shall be at least equal to those determined by the leading insurance undertaking pursuant to the regulations of the Member State where its head office is located.

(4) The Insurance Supervision Agency shall, for the purpose of conducting co-insurance business at EU level, exchange information with other relevant supervisory authorities of Member States. Section 11.3. of this Act shall apply to the exchange of information.

(5) For insurance undertakings which are not lead insurance undertakings, the obligation to provide notifications referred to in Articles 131 and 134 of this Act and the obligation to appoint a representative referred to in point 3 of paragraph one of Article 136 of this Act shall not apply with regard to co-insurance business referred to in this Article.

Article 535
(Co-insurance business at the level of third countries and EU)

(1) Co-insurance at the level of third countries and the EU shall

pri katerem so izpolnjeni naslednji pogoji:

a) zavarovanje krije velike nevarnosti iz 532. člena tega zakona,
b) zavarovanje krije nevarnosti z eno samo pogodbo ob plačilu celotne premije za isto obdobje s strani dveh ali več zavarovalnic, vsaka za svoj delež, pri čemer je ena od zavarovalnic vodilna zavarovalnica,
c) pogodba o sozavarovanju se lahko sklene v obliki pozavarovalne pogodbe,
d) zavarovanje krije nevarnosti, ki se nahajajo v tretjih državah,
e) vodilna zavarovalnica je zavarovalnica, ki ima sedež na območju države članice ali na območju tretje države in je pridobila dovoljenje za opravljanje zavarovalnih poslov v zavarovalni vrsti, na katero se nanaša kritje nevarnosti,
f) vodilna zavarovalnica v celoti prevzame vodilno vlogo v postopku sozavarovanja in določi zavarovalne pogoje, vključno s premijo, in izda polico.

(2) Vsaka zavarovalnica, ki krije nevarnosti v smislu določb prejšnjega odstavka, oblikuje zavarovalno-tehnične rezervacije v skladu s predpisi države, v kateri je ustanovljena, če takšnih predpisov ni, pa v skladu z običajno prakso v tej državi.

(3) Ne glede na določbo prejšnjega odstavka so zavarovalno-tehnične rezervacije najmanj enake tistim, ki jih določi vodilna zavarovalnica, v skladu s predpisi države, v kateri je ustanovljena.

(4) Agencija za zavarovalni nadzor za namen opravljanja sozavarovalnih poslov na ravni tretjih držav in EU izmenjuje informacije z drugimi zadevnimi nadzornimi organi držav članic. Za izmenjavo informacij se uporablja 11.3. oddelek tega zakona.

536. člen
(zavarovalni in pozavarovalni pool)

(1) Dve ali več zavarovalnic, ki lahko opravljajo zavarovalne ali pozavarovalne posle na območju Republike Slovenije, lahko ustanovi zavarovalni ali pozavarovalni pool za opravljanje zavarovalnih ali

be insurance provided that the following conditions have been fulfilled:

a) insurance covers large risks referred to in Article 532 of this Act,
b) insurance covers a risk by a single contract upon the payment of the overall premium for the same period by two or more insurance undertakings each for its own part, with one of them being the lead insurance undertaking,
c) a co-insurance contract may only be concluded in the form of a reinsurance contract,
d) insurance covers risks in third countries,
e) the lead insurance undertaking is an insurance undertaking with its head office in the territory of a Member State or in the territory of a third country, and it has obtained authorisation to conduct insurance business in the insurance class to which the risk coverage refers,
f) the lead insurance undertaking fully assumes the leader's role in the co-insurance procedure, and determines the conditions of insurance, including the premium, and issues the policy.

(2) Each insurance undertaking covering risks in the meaning of the provisions of the preceding paragraph shall establish technical provisions pursuant to the regulations of the country of establishment, and in the absence of such regulations, according to customary practice in that country.

(3) Notwithstanding the provision of the preceding paragraph, technical provisions shall be at least equal to those determined by the lead insurance undertaking pursuant to the regulations of the country of establishment.

(4) The Insurance Supervision Agency shall, for the purpose of conducting co-insurance business at the level of third countries and at EU level, exchange information with other relevant supervisory authorities of Member States. Section 11.3. of this Act shall apply to the exchange of information.

Article 536
(Insurance and reinsurance pool)

(1) Two or more insurance undertakings which are authorised to conduct insurance or reinsurance business in the territory of the Republic of Slovenia may establish an insurance or reinsurance pool for

pozavarovalnih poslov, ki krijejo nevarnosti, razvrščene v zavarovalne vrste iz 8., 9., 13. in 16. točke drugega odstavka 7. člena tega zakona in druge velike nevarnosti iz 532. člena tega zakona.

(2) Za zavarovalni ali pozavarovalni pool se uporabljajo določbe zakona, ki ureja poslovanje gospodarskih družb o gospodarskem interesnem združenju, če ni v tem členu drugače določeno.

(3) Zavarovalni ali pozavarovalni pool nastopa v razmerjih, ki se nanašajo na sklepanje in izvrševanje zavarovalnih ali pozavarovalnih pogodb v svojem imenu in za račun svojih članic, in sicer v zavarovalnih vrstah, za katere imajo članice dovoljenje za opravljanje zavarovalnih poslov.

(4) Za zavarovalni ali pozavarovalni pool se smiselno uporabljajo 52. člen, 3. poglavje, 4.4., 4.5., 4.6. in 4.8. oddelek, razen prvega odstavka 177. člena, 242., 243., 246. in 252. člen, 5. poglavje, razen 261. do 264. člena, 6. in 7. poglavje, razen 7.8. oddelka, 9., 12. in 13. poglavje ter 610., 611. in 621. člen tega zakona, če ni v tem poglavju drugače določeno.

(5) Zavarovalni ali pozavarovalni pool za svoje članice izračunava zavarovalno-tehnične rezervacije, ki jih članice oblikujejo zaradi poslov, ki jih sklepa zavarovalni ali pozavarovalni pool za račun svojih članic. Zavarovalni ali pozavarovalni pool Agenciji za zavarovalni nadzor poroča o izračunanih zavarovalno-tehničnih rezervacijah v roku enega meseca po izteku posameznega trimesečja. Za izračun zavarovalno-tehničnih rezervacij in za poročanje o izračunanih zavarovalno-tehničnih rezervacijah za zavarovalni ali pozavarovalni pool veljajo določbe tega zakona in na njegovi podlagi izdanih predpisov o izračunu zavarovalno-tehničnih rezervacij pri zavarovalnicah in o poročanju zavarovalnic o zavarovalno-tehničnih rezervacijah.

(6) Za člana poslovodstva zavarovalnega oziroma pozavarovalnega poola se smiselno uporabljajo 56. do 61., 63. do 65. in 612. člen tega zakona.

the purpose of conducting insurance or reinsurance business covering risks classified under insurance classes referred to in points 8, 9, 13, and 16 of paragraph two of Article 7 of this Act and other large risks referred to in Article 532 of this Act.

(2) The provisions of the Act governing companies regarding economic interest grouping shall apply to an insurance or reinsurance pool, unless otherwise provided in this Article.

(3) An insurance or reinsurance pool shall act on its own behalf and for the account of its members in relationships regarding the conclusion and implementation of insurance or reinsurance contracts, specifically in insurance classes for which the members are authorised to conduct insurance business.

(4) Article 52, Chapter Three, Sections 4.4., 4.5., 4.6. and 4.8., with the exception of paragraph one of Article 177, Articles 242, 243, 246 and 252, Chapter Five, with the exception of Articles 261 to 264, Chapters Six and Seven, with the exception of Section 7.8., Chapters Nine, Twelve and Thirteen and Articles 610, 611 and 621 of this Act shall apply, *mutatis mutandis*, to an insurance or reinsurance pool, unless otherwise provided in this Chapter.

(5) An insurance or reinsurance pool shall calculate for its members technical provisions formed by the members for the purpose of business concluded by the insurance or reinsurance pool for the account of its members. An insurance or reinsurance pool shall report to the Insurance Supervision Agency regarding the calculations of technical provisions within one month of the end of the calendar quarter. The calculation of technical provisions and reporting on the calculated technical provisions for an insurance or reinsurance pool shall be governed by the provisions of this Act and regulations issued on the basis of this Act regarding the calculation of insurance undertakings' technical provisions and regarding reporting of insurance undertakings on technical provisions.

(6) For a member of the management of an insurance or reinsurance pool, Articles 56 to 61, 63 to 65 and 612 of this Act shall apply *mutatis mutandis*.

537. člen
(dovoljenje za opravljanje dejavnosti zavarovalnega ali pozavarovalnega poola)

(1) Dejavnost zavarovalnega ali pozavarovalnega poola lahko opravlja samo zavarovalni ali pozavarovalni pool, ki je pridobil dovoljenje Agencije za zavarovalni nadzor za opravljanje dejavnosti zavarovalnega ali pozavarovalnega poola.

(2) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za opravljanje dejavnosti zavarovalnega ali pozavarovalnega poola:
1. če zavarovalni ali pozavarovalni pool ne izpolnjuje pogojev za opravljanje dejavnosti zavarovalnega ali pozavarovalnega poola, določenih s tem oziroma drugim zakonom ali na njegovi podlagi izdanimi predpisi;
2. če zavarovalnica, ki je članica zavarovalnega ali pozavarovalnega poola, nima dovoljenja za opravljanje zavarovalnih poslov v zavarovalni vrsti, na katero se nanaša dejavnost zavarovalnega ali pozavarovalnega poola;
3. če člani poslovodstva nimajo dovoljenja za opravljanje funkcije člana poslovodstva zavarovalnega ali pozavarovalnega poola;

4. če iz podatkov, ki jih ima na voljo Agencija za zavarovalni nadzor, izhaja, da bi bilo lahko zaradi dejavnosti ali poslov, ki jih zavarovalni ali pozavarovalni pool opravlja, oziroma zaradi ravnanj, ki jih je storil ali opustil, ogroženo poslovanje zavarovalnega ali pozavarovalnega poola v skladu s pravili o obvladovanju tveganj ali ovirano ali oteženo izvajanje učinkovitega nadzora nad poslovanjem zavarovalnega ali pozavarovalnega poola.

(3) Za prenehanje dovoljenja za opravljanje dejavnosti zavarovalnega ali pozavarovalnega poola se smiselno uporabljajo določbe 122. člena tega zakona.

(4) Agencija za zavarovalni nadzor odvzame zavarovalnemu ali pozavarovalnemu poolu dovoljenje za opravljanje dejavnosti zavarovalnega ali pozavarovalnega poola v naslednjih primerih:
1. če je bilo dovoljenje pridobljeno z navajanjem neresničnih podatkov,

Article 537
(Authorisation to conduct insurance or reinsurance pool operations)

(1) Insurance or reinsurance pool operations may be conducted only by an insurance or reinsurance pool with authorisation from the Insurance Supervision Agency to conduct insurance or reinsurance pool operations.

(2) The Insurance Supervision Agency shall reject an application for authorisation to conduct insurance or reinsurance pool operations:
1. if an insurance or reinsurance pool does not comply with the conditions for conducting insurance or reinsurance pool operations provided by this or any other Act or by regulations issued on the basis of this Act;
2. if an insurance undertaking which is a member of an insurance or reinsurance pool does not have authorisation to conduct insurance business in an insurance class to which the insurance or reinsurance pool operation relates;
3. if members of the management do not have authorisation to perform the function of a member of the management of an insurance or reinsurance pool;
4. if it is evident from the information available to the Insurance Supervision Agency that the activities or business performed by the insurance or reinsurance pool, or the acts committed or omitted by it, could endanger the business of the insurance or reinsurance pool in accordance with the risk management rules or impede the effective supervision of the business of the insurance or reinsurance pool or make it more difficult.

(3) For the termination of authorisation to conduct insurance or reinsurance pool operations, provisions of Article 122 shall apply *mutatis mutandis*.

(4) The Insurance Supervision Agency shall withdraw authorisation to conduct insurance or reinsurance pool operations from an insurance or reinsurance pool in the following cases:
1. if the authorisation was obtained by stating false information,

2. če je zavarovalnemu ali pozavarovalnemu poolu odredila dodatni ukrep iz 5. točke prvega odstavka 308. člena tega zakona in pristojni organ v roku, določenem za izvršitev dodatnega ukrepa, ni razrešil člana oziroma članov poslovodstva in imenoval novih, ali če tudi novoimenovani člani poslovodstva v roku dveh mesecev od imenovanja niso zagotovili odprave kršitev ali izvršitve dodatnih ukrepov, ki so bili razlog za dodatni ukrep iz 5. točke prvega odstavka 308. člena tega zakona;

3. če zavarovalnica, ki je članica zavarovalnega ali pozavarovalnega poola, nima dovoljenja za opravljanje zavarovalnih poslov v zavarovalni vrsti, na katero se nanaša dejavnost zavarovalnega ali pozavarovalnega poola.

14. poglavje:

NAMENSKA DRUŽBA

538. člen
(uporaba določb za namensko družbo)

Za namensko družbo, ki prevzema tveganja zavarovalnic, se uporabljajo:
- 14. poglavje tega zakona,
- akti, ki jih sprejme Evropska komisija na podlagi drugega odstavka 211. člena Direktive 2009/138/ES, in
- izvedbeni tehnični standardi, ki jih izda Evropska komisija na podlagi odstavkov 2a in 2b 211. člena Direktive 2009/138/ES.

539. člen
(namenska družba)

(1) Namenska družba je pravna oseba, ki:
1. ni zavarovalnica,
2. financira in prevzame tveganja zavarovalnic,
3. je ustanovljena z namenom financiranja in prevzemanja tveganja

2. if the insurance or reinsurance pool was ordered to implement an additional measure pursuant to point 5 of paragraph one of Article 308 of this Act and if the competent authority, within the deadline provided for implementing this additional measure, fails to dismiss a member or members of the management and appoint new ones, or if newly appointed members of the management within two months of being appointed fail to eliminate violations or implement additional measures which were the reasons for the additional measure referred to in point 5 of paragraph one of Article 308 of this Act;
3. if an insurance undertaking which is a member of an insurance or reinsurance pool does not have authorisation to conduct insurance business in an insurance class to which the insurance or reinsurance pool operation relates.

Chapter Fourteen

SPECIAL PURPOSE VEHICLE

Article 538
(Application of provisions regarding a special purpose vehicle)

The following provisions shall apply to a special purpose vehicle which assumes the risks of insurance undertakings:
- Chapter Fourteen of this Act,
- acts adopted by the European Commission pursuant to Article 211(2) of Directive 2009/138/EC, and
- implementing technical standards issued by the European Commission pursuant to Article 211(2a) and (2b) of Directive 2009/138/EC.

Article 539
(Special purpose vehicle)

(1) A special purpose vehicle shall be a legal person which:
1. is not an insurance undertaking,
2. finances and assumes risks from insurance undertakings,
3. has been established for the purpose of financing and assuming risks

zavarovalnic.

(2) Namenska družba s sedežem v Republiki Sloveniji, preden začne prevzemati tveganja zavarovalnic, pridobi dovoljenje Agencije za zavarovalni nadzor – dovoljenje za prevzemanje tveganj.

(3) Namenska družba financira tveganja z izdajo dolžniških finančnih instrumentov ali z drugačnim finančnim mehanizmom, pri čemer so pravice oseb, ki so vplačale dolžniške finančne instrumente ali drug finančni mehanizem, do poplačila podrejene pozavarovalnim obveznostim namenske družbe.

(4) Namenska družba opravlja samo aktivnosti prevzemanja tveganj zavarovalnic in aktivnosti, ki izhajajo iz prevzemanja tveganj.

(5) Za namensko družbo se uporabljajo določbe zakona, ki ureja gospodarske družbe, če ni v tem zakonu drugače določeno.

540. člen
(obseg dovoljenja za prevzemanje tveganj zavarovalnic)

(1) Agencija za zavarovalni nadzor v dovoljenju za prevzemanje tveganj zavarovalnice določi vrste tveganj, ki jih sme namenska družba prevzemati.

(2) Agencija za zavarovalni nadzor izda dovoljenje za prevzemanje določenih tveganj iz prejšnjega odstavka, če ugotovi, da namenska družba izpolnjuje pogoje za prevzemanje teh tveganj in pogoje, določene s predpisi iz 538. člena tega zakona.

(3) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za prevzemanje tveganj zavarovalnic, če iz podatkov, ki jih ima na voljo, izhaja, da bi bilo lahko zaradi dejavnosti ali poslov, ki jih namenska družba opravlja, oziroma zaradi ravnanj, ki jih je storila ali opustila, ogroženo obvladovanje prevzetih tveganj zavarovalnic ali ovirano ali oteženo izvajanje učinkovitega nadzora nad poslovanjem namenske družbe.

of insurance undertakings.

(2) A special purpose vehicle with its head office in the Republic of Slovenia shall obtain authorisation from the Insurance Supervision Agency, viz. authorisation to assume risks, prior to assuming risks of insurance undertakings.

(3) A special purpose vehicle shall finance risks by issuing debt financial instruments or by different financial mechanism where the repayment rights of the subscribers of such debt financial instruments or other financial mechanism are subordinated to the reinsurance obligations of the special purpose vehicle.

(4) A special purpose vehicle shall only conduct activities of assuming risks of insurance undertakings and activities arising from assuming risks.

(5) The provisions of the Act governing companies shall apply to the special purpose vehicle unless otherwise provided by this Act.

Article 540
(Scope of authorisation to assume risks of insurance undertakings)

(1) The Insurance Supervision Agency shall in the authorisation to assume risks of an insurance undertaking determine the types of risks that the special purpose vehicle may assume.

(2) The Insurance Supervision Agency shall issue authorisation to assume specific risks referred to in the preceding paragraph, if it ascertains that the special purpose vehicle complies with conditions for assuming such risks and conditions provided in the regulations referred to in Article 538 of this Act.

(3) The Insurance Supervision Agency shall reject an application to issue an authorisation to assume the risks of an insurance undertaking if it is evident from the information available to the Insurance Supervision Agency that the activities or business performed by the special purpose vehicle, or the acts committed or omitted by it, could endanger the management of assumed risks of an insurance undertaking or impede the effective supervision of the business of the special purpose

(4) Za pokrivanje drugih vrst tveganj, ki v dovoljenju niso navedena, namenska družba pridobi novo dovoljenje za prevzemanje tveganj zavarovalnic.

(5) Za postopek odločanja o zahtevi za izdajo dovoljenja namenski družbi se smiselno uporablja 10.4. oddelek tega zakona, če ni v tem poglavju drugače določeno.

541. člen
(ukrepi nadzora nad namensko družbo)

(1) Če Agencija za zavarovalni nadzor ugotovi, da namenska družba krši ta zakon ali druge predpise iz 538. člena tega zakona, se smiselno uporabljajo 302. do 306. člen in druge določbe tega zakona, ki se nanašajo na postopek izdaje odredbe o odpravi kršitev zavarovalnici, 313. in 314. člen in druge določbe tega zakona, ki urejajo postopek izdaje odločbe o odvzemu dovoljenja zavarovalnici.

(2) Agencija za zavarovalni nadzor lahko namenski družbi za uresničevanje tega zakona in drugih predpisov iz 538. člena tega zakona naloži ukrepe glede:
1. pogodb,
2. naložb,
3. sposobnosti in primernosti oseb, ki vodijo namensko družbo,
4. lastnikov namenske družbe,
5. sistema upravljanja,
6. računovodskih postopkov,
7. računovodskih in previdnostnih zahtev ter zahtev po statističnih podatkih,
8. solventnostnih zahtev.

542. člen
(odvzem in prenehanje dovoljenja za prevzemanje tveganj zavarovalnic)

vehicle or make it more difficult.

(4) For the purpose of covering other types of risks which are not stated in the authorisation, a special purpose vehicle shall obtain new authorisation to assume risks of insurance undertakings.

(5) Section 10.4. of this Act shall apply *mutatis mutandis* to the decision-making process regarding an application for authorisation for a special purpose vehicle unless otherwise provided in this Chapter.

Article 541
(Supervisory measures against a special purpose vehicle)

(1) If the Insurance Supervision Agency identifies that a special purpose vehicle violates this Act or other regulations referred to in Article 538 of this Act, Articles 302 to 306 and other provisions of this Act relating to the procedure to order an insurance undertaking to eliminate violations, Articles 313 and 314 and other provisions of this Act governing the procedure for issuing a decision on the withdrawal of an authorisation from an insurance undertaking shall apply *mutatis mutandis*.

(2) The Insurance Supervision Agency may for the purpose of implementing this Act and other regulations referred to in Article 538 of this Act impose measures on a special purpose vehicle regarding:
1. contracts,
2. investments,
3. fit and proper requirements of persons managing a special purpose vehicle,
4. owners of a special purpose vehicle,
5. governance system,
6. accounting procedures,
7. accounting and precautionary requirements and requirements regarding statistical data,
8. solvency requirements.

Article 542
(Withdrawal and termination of authorisation to assume risks of insurance undertakings)

(1) Agencija za zavarovalni nadzor odvzame dovoljenje za prevzemanje tveganj zavarovalnic:

1. če je bilo dovoljenje pridobljeno z navajanjem neresničnih podatkov;
2. če namenska družba ponavljajoče krši dolžnost pravočasnega in pravilnega poročanja oziroma obveščanja Agencije za zavarovalni nadzor ali če kako drugače ovira opravljanje nadzora nad njenim poslovanjem;
3. če namenska družba ne ravna v skladu z odredbo o odpravi kršitev;
4. če je namenski družbi naložila ukrepe iz drugega odstavka prejšnjega člena in namenska družba ukrepov v določenem roku ni izvedla;
5. če so podane okoliščine, ki bi predstavljale razlog za odvzem dovoljenja za pridobitev kvalificiranega deleža osebi, ki je neposredno oziroma posredno nadrejena oseba namenske družbe;
6. če namenska družba ne izpolnjuje tehničnih, organizacijskih, kadrovskih oziroma drugih pogojev za prevzemanje tveganj.

(2) Za ponavljajočo se kršitev iz 2. točke prejšnjega odstavka šteje kršitev, pri kateri namenska družba kršitev ponovno stori najmanj enkrat v petih letih po storitvi istovrstne kršitve.

(3) Dovoljenje za prevzemanje tveganj zavarovalnic preneha:

1. če namenska družba ne začne poslovati v šestih mesecih od izdaje dovoljenja,
2. če namenska družba preneha opravljati dejavnosti prevzemanja tveganj zavarovalnic za več kot eno leto,
3. z začetkom stečajnega postopka oziroma postopka prisilne likvidacije,
4. z zaključkom redne likvidacije,
5. z izbrisom namenske družbe iz registra, razen kadar je dovoljenje prenehalo že na podlagi ene od prejšnjih točk,
6. s prejemom izjave namenske družbe, da je prenehala opravljati dejavnosti prevzemanja tveganj zavarovalnic in ustreznih dokazil.

(4) Namenska družba Agencijo za zavarovalni nadzor obvesti o

(1) The Insurance Supervision Agency shall withdraw an authorisation to assume risks of insurance undertakings:

1. if the authorisation was obtained by stating false information;
2. if a special purpose vehicle repeatedly violates the duty to report in a timely and correct manner to, or notify, the Insurance Supervision Agency, or hinders supervision of its business in any other way;
3. if a special purpose vehicle fails to comply with the order to eliminate violations;
4. if it orders a special purpose vehicle to implement measures referred to in paragraph two of the preceding Article and the special purpose vehicle fails to implement measures within the set deadline;
5. if circumstances exist which could represent reasons for withdrawal of authorisation to acquire a qualifying holding from a person that is a direct or indirect parent entity of a special purpose vehicle;
6. if a special purpose vehicle fails to meet the technical, organisational, personnel or other conditions for assuming risks.

(2) A repeated violation referred to in point 2 of the preceding paragraph shall be deemed a violation where the special purpose vehicle repeats a violation at least once in a period of five years after the same violation has been committed.

(3) Authorisation to assume risks of insurance undertakings shall terminate:

1. if a special purpose vehicle does not commence its business within six months of the issuing of authorisation,
2. if a special purpose vehicle ceases to conduct activities of assuming risks of insurance undertakings for more than one year,
3. upon the initiation of bankruptcy proceedings or compulsory liquidation proceedings,
4. upon the conclusion of regular liquidation,
5. upon the deletion of a special purpose vehicle from the register, unless the authorisation already terminated on the basis of one of the preceding points,
6. upon the receipt of a statement from a special purpose vehicle that it ceased to conduct activities of assuming risks of insurance undertakings, and relevant evidence.

(4) A special purpose vehicle shall notify the Insurance

začetku oziroma prenehanju opravljanja dejavnosti prevzemanja tveganj zavarovalnic.

(5) Če nastopi razlog iz tretjega odstavka tega člena, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da je dovoljenje prenehalo.

(6) Za postopek odločanja o izdaji ugotovitvene odločbe iz prejšnjega odstavka se smiselno uporabljajo določbe tega zakona, ki se uporabljajo za postopek odločanja o izdaji ugotovitvene odločbe zavarovalnici.

15. poglavje:

OPRAVLJANJE DISTRIBUCIJE ZAVAROVALNIH PRODUKTOV

543. člen
(obseg uporabe 15. poglavja)

(1) To poglavje se uporablja za pravne in fizične osebe, ki opravljajo ali bodo začele opravljati distribucijo zavarovalnih produktov.

(2) To poglavje se ne uporablja za distribucijo zavarovalnih produktov, ki so sklenjeni ali bodo sklenjeni v zvezi z nevarnostjo in obveznostmi na območjih zunaj EU.

543.a člen
(opravljanje distribucije zavarovalnih produktov)

Distribucijo zavarovalnih produktov lahko v Republiki Sloveniji opravljajo samo distributerji zavarovalnih produktov iz 7.f, 573. in 576. člena tega zakona.

15.1. *Zavarovalni zastopniki*

Supervision Agency of the commencement or termination of activities related to assuming risks of insurance undertakings.

(5) Should the reason referred to in paragraph three of this Article arise, the Insurance Supervision Agency shall issue a decision establishing that the authorisation has been terminated.

(6) The provisions of this Act which apply to the decision-making process regarding the issuing of a declaratory decision to an insurance undertaking, shall apply *mutatis mutandis* to the decision-making process regarding the issuing of the declaratory decision referred to in the preceding paragraph.

Chapter Fifteen

INSURANCE DISTRIBUTION

Article 543
(Scope of Chapter Fifteen)

(1) This Chapter shall apply to legal and natural persons carrying out or taking up insurance distribution.

(2) This Chapter shall not apply to the distribution of insurance products concluded or to be concluded in relation to risks and obligations in non-EU countries.

Article 543a
(Insurance distribution)

Insurance distribution in the Republic of Slovenia may only be performed by insurance distributors referred to in Articles 7f, 573 and 576 of this Act.

15.1. *Insurance agents*

543.b člen
(zavarovalni zastopnik)

(1) Zavarovalni zastopnik je oseba, ki ima dovoljenje Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega zastopanja, ki jih opravlja na podlagi pogodbe o zaposlitvi ali drugega odplačnega razmerja. Posli zavarovalnega zastopanja so zlasti:

1. sklepanje zavarovalnih pogodb v imenu in za račun zavarovalnice,

2. aktivnosti v zvezi s pripravo na sklenitev zavarovalne pogodbe,

3. pomoč pri izvrševanju pravic iz pogodbe, zlasti pri reševanju zahtevkov do zavarovalnice.

(2) Pooblastilo zavarovalnega zastopnika za sklenitev zavarovalne pogodbe obsega tudi pooblastilo za spremembo ali podaljšanje te pogodbe in sprejemanje izjav zavarovalca o odstopu od zavarovalne pogodbe.

544. člen
(zavarovalno zastopniška družba)

(1) Zavarovalno zastopniška družba je pravna oseba, ki proti plačilu opravlja dejavnost zastopanja zavarovalnic pri sklepanju zavarovalnih pogodb.

(2) Za dejavnost zavarovalnega zastopanja se štejejo zlasti naslednje storitve:

1. sklepanje zavarovalnih pogodb v imenu in za račun zavarovalnice,

2. aktivnosti v zvezi s pripravo na sklenitev zavarovalne pogodbe,

3. pomoč pri izvrševanju pravic iz pogodbe, zlasti pri reševanju zahtevkov do zavarovalnice.

(3) Določbe tega zakona o zavarovalno zastopniški družbi se smiselno uporabljajo tudi za samostojnega podjetnika posameznika, ki kot gospodarsko dejavnost opravlja dejavnost zastopanja zavarovalnic pri

Article 543b
(Insurance agent)

(1) An insurance agent shall be a person holding authorisation from the Insurance Supervision Agency to conduct insurance agency business on the basis of an employment contract or other remunerative relationship. Insurance agency business shall include in particular:

1. concluding insurance contracts on behalf and for the account of an insurance undertaking,
2. activities related to preparation for the conclusion of an insurance contract,
3. assistance with exercising the rights under a contract, particularly regarding resolving claims against an insurance undertaking.

(2) The authorisation of an insurance agent to conclude an insurance contract shall also include authorisation to modify or extend the term of a contract and to accept the statements of a policyholder regarding withdrawal from the insurance contract.

Article 544
(Insurance agency company)

(1) An insurance agency company shall be a legal person which shall, for remuneration, conduct activities of representing insurance undertakings in concluding insurance contracts.

(2) The following services in particular shall be deemed insurance agency activities:

1. concluding insurance contracts on behalf and for the account of an insurance undertaking,
2. activities related to preparation for the conclusion of an insurance contract,
3. assistance with exercising the rights under a contract, particularly regarding resolving claims against an insurance undertaking.

(3) The provisions of this Act regarding an insurance agency company shall also apply, *mutatis mutandis*, to a sole trader who conducts an activity of representing insurance undertakings in concluding insurance

sklepanju zavarovalnih pogodb, in za banko iz osmega odstavka 558. člena tega zakona.

(4) V sodni register oziroma drug ustrezen register se ne sme vpisati firma, ki vsebuje besede zavarovalno zastopniška družba oziroma zavarovalno zastopanje ali izpeljanke iz teh besed, če oseba ni pridobila dovoljenja Agencije za zavarovalni nadzor za opravljanje dejavnosti zavarovalnega zastopanja.

545. člen
(obveznosti zavarovalnega zastopnika)

(1) Določbe prvega do osmega odstavka 521. in 528.č člena tega zakona veljajo tudi za zavarovalnega zastopnika.

(2) Pred predstavitvijo vsebine zavarovanja in sklenitvijo zavarovalne pogodbe ter, če je potrebno, tudi pri poznejših spremembah in dopolnitvah zavarovalne pogodbe zavarovalni zastopnik zavarovalcu izroči tudi pisno obvestilo o:

1. svojem osebnem imenu,
2. številki in datumu odločbe o izdaji dovoljenja za opravljanje poslov zavarovalnega zastopanja in registru, v katerem je mogoče preveriti izdajo dovoljenja,
3. tem, če zagotavlja svetovanje glede zavarovalnega produkta, ki ga prodaja,
4. firmi in naslovu zavarovalnice, zavarovalno zastopniške družbe, zastopnika dopolnilnih zavarovanj oziroma banke iz osmega odstavka 558. člena tega zakona, s katero oziroma katerim ima zavarovalni zastopnik sklenjeno pogodbo, na podlagi katere opravlja posle zavarovalnega zastopanja,
5. tem, za katere zavarovalnice deluje, z navedbo firme in poslovnega naslova vsake zavarovalnice,
6. tem, da ima sam oziroma zavarovalno zastopniška družba oziroma zastopnik dopolnilnih zavarovanj oziroma banka iz osmega odstavka 558. člena tega zakona, v kateri je zavarovalni zastopnik zaposlen oziroma je z njo v drugem pravnem razmerju, neposreden ali posreden delež, ki predstavlja več kot 10 % delež glasovalnih pravic ali delež v kapitalu zavarovalnice,
7. tem, da ima zavarovalnica oziroma od nje odvisna družba neposredni ali posredni delež, ki predstavlja več kot 10 % delež glasovalnih

contracts as an economic activity and to a bank referred to in paragraph eight of Article 558 of this Act.

(4) The court register or any other relevant register must not enter a corporate name containing the words insurance agency company or insurance agency or derivatives of these words if a person has not obtained the authorisation of the Insurance Supervision Agency to conduct insurance agency activities.

Article 545
(Obligations of an insurance agent)

(1) The provisions of paragraphs one to eight of Articles 521 and 528č of this Act shall also apply to an insurance agent.

(2) Prior to presenting the content of insurance and concluding an insurance contract and, where necessary, also in subsequent amendments to the insurance contract, the insurance agent shall deliver to the policyholder a written notification of:

1. their personal name,
2. number and date of the decision on an authorisation to conduct insurance agency business and the register where the issued authorisation can be verified,
3. whether they provide advice about the insurance product they sell,
4. corporate name and address of the insurance undertaking, insurance agency company, ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act with which the insurance agent has concluded a contract on the basis of which insurance agency business is conducted,
5. insurance undertakings they work for, including the corporate name and business address of each insurance undertaking,
6. an insurance agency company or ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act in which the insurance agent is employed or is in another legal relationship having a direct or indirect share which exceeds 10% of the voting rights or the capital of an insurance undertaking,
7. an insurance undertaking or its controlled company having a direct or indirect share which exceeds 10% of the voting rights or the capital of

pravic ali delež v kapitalu zavarovalno zastopniške družbe oziroma zastopnika dopolnilnih zavarovanj oziroma banke iz osmega odstavka 558. člena tega zakona, v kateri je zavarovalni zastopnik zaposlen oziroma je z njo v drugem pravnem razmerju,

8. vrsti prejetega plačila za distribucijo v zvezi z zavarovalno pogodbo, še posebej o tem, če v zvezi z zavarovalno pogodbo:
   - deluje na podlagi honorarja, ki ga neposredno plača zavarovalec;
   - deluje na podlagi kakršnekoli provizije, ki je že zajeta v zavarovalni premiji;
   - deluje na podlagi kakršnegakoli drugega plačila, vključno s katero koli ekonomsko koristjo, ki se ponudi ali plača v zvezi z zavarovalno pogodbo;
   - prejme plačilo, ki je kombinacija plačil iz prejšnjih alinej,

9. izvensodnem postopku reševanja sporov iz drugega odstavka 579. člena tega zakona.

(3) Poleg podatkov iz prejšnjega odstavka zavarovalni zastopnik v zvezi z zavarovalno pogodbo zavarovalcu izroči tudi pisno obvestilo o tem, če:

1. zavarovalcu svetuje glede sklenitve pogodbe na podlagi četrtega odstavka tega člena, oziroma
2. ga veže pogodbena obveznost za distribucijo zavarovalnih produktov izključno z eno zavarovalnico ali več zavarovalnicami, v tem primeru zavarovalca obvesti tudi o imenih zavarovalnic, ki jih zastopa, oziroma
3. ga ne veže pogodbena obveznost za distribucijo zavarovalnih produktov izključno z eno zavarovalnico ali več zavarovalnicami in ne svetuje glede sklenitve pogodbe na podlagi četrtega odstavka tega člena. V tem primeru zavarovalca obvesti tudi o imenih zavarovalnic, ki jih zastopa.

(4) Če zavarovalni zastopnik zavarovalca obvesti o tem, da mu svetuje glede sklenitve zavarovalne pogodbe na podlagi korektne in poštene analize, takšen nasvet oblikuje na podlagi primerno velikega števila zavarovalnih pogodb, dostopnih na trgu, ki mu omogočajo podati priporočilo v skladu s strokovnimi merili, da bo lahko zavarovalec s sklenitvijo takšne pogodbe uresničil svoje potrebe in zahteve.

an insurance agency company or ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act in which the insurance agent is employed or is in another legal relationship,

8. the type of remuneration received in relation to the insurance contract, especially when, in relation to the insurance contract, they:
   - operate on the basis of a fee directly paid by the policyholder;
   - operate on the basis of a commission of any kind that is already included in the insurance premium;
   - operate on the basis of any other type of remuneration, including an economic benefit of any kind offered or given in relation to the insurance contract;
   - receive a payment which is a combination of the payments referred to in the preceding indents,
9. the out-of-court settlement of dispute procedure referred to in paragraph two of Article 579 of this Act.

(3) In addition to the data referred to in the preceding paragraph, in relation to the insurance contract, the insurance agent shall also deliver to the policyholder a written notification on whether:

1. they advise the policyholder on concluding the contract pursuant to paragraph four of this Article, or
2. they are under a contractual obligation to conduct insurance distribution business exclusively with one or more insurance undertakings, in which case they shall also inform the policyholder of the names of the insurance undertakings which they represent, or
3. they are not under a contractual obligation to conduct insurance distribution business exclusively with one or more insurance undertakings and they do not advise on concluding the contract pursuant to paragraph four of this Article. In this case they shall inform the policyholder of the names of the insurance undertakings they represent.

(4) If the insurance agent informs the policyholder of the provision of advice to conclude an insurance contract on the basis of an appropriate and fair analysis, such advice shall be based on the appropriately significant number of insurance contracts available on the market, enabling them to provide recommendations in accordance with professional criteria, so that the policyholder, by concluding such a contract, shall be able to fulfil their needs and demands.

(5) Ne glede na obveznosti glede obveščanj iz 522. člena tega zakona oziroma poleg njih, ne glede na to, ali je zagotovil svetovanje, in ne glede na to, ali je zavarovalni produkt del paketa iz četrtega do osmega odstavka 522. člena tega zakona, zavarovalni zastopnik pred sklenitvijo pogodbe zavarovalcu zagotovi informacije o zavarovalnem produktu na razumljiv način tako, da mu omogoči sprejetje informirane odločitve, pri čemer upošteva kompleksnost zavarovalnega produkta in vrsto zavarovalca.

(6) Pri zavarovalnih pogodbah iz zavarovalne skupine premoženjskih zavarovanj se informacije iz prejšnjega odstavka zagotovijo v obliki standardiziranega dokumenta v papirni obliki ali na drugem trajnem nosilcu podatkov (v nadaljnjem besedilu: dokument z informacijami o zavarovalnem produktu), ki ga sestavi zavarovalnica in za katerega velja, da:

1. je kratek in vsebinsko celovit dokument;
2. je pripravljen in oblikovan tako, da je jasen in enostaven za branje, z znaki, ki so primerne velikosti za branje;
3. ni manj razumljiv, ko je natisnjen ali fotokopiran v črno- beli obliki, če je izvirnik barven;
4. je napisan v uradnih jezikih ali enem od uradnih jezikov, ki se uporabljajo v delu države članice, kjer se zavarovalni produkt ponuja, ali, če se tako dogovorita zavarovalec in distributer zavarovalnih produktov, v drugem jeziku;
5. je resničen in ni zavajajoč;
6. vsebuje naslov »Dokument z informacijami o zavarovalnem produktu« na vrhu prve strani;
7. vključuje izjavo, da je namen dokumenta zagotoviti povzetek informacij o zavarovanju, da ni prilagojen individualnim potrebam in zahtevam zavarovalca in da so popolne predpogodbene in pogodbene informacije o zavarovanju v drugih dokumentih.

(7) Dokument z informacijami o zavarovalnem produktu vsebuje naslednje informacije:

1. informacije o vrsti zavarovanja;
2. povzetek zavarovalnega kritja, vključno z glavnimi zavarovanimi tveganji, zavarovalne vsote in po potrebi geografski obseg in povzetek izključenih tveganj;

(5) Notwithstanding the obligations regarding the notifications referred to in Article 522 of this Act or in addition to them, notwithstanding whether or not the insurance agent provided advice, and notwithstanding whether the insurance product is part of a package referred to in paragraphs four to eight of Article 522 of this Act, the insurance agent shall provide the policyholder, before the contract is concluded, with the information on the insurance product in a comprehensive manner by enabling them to make an informed decision, taking into account the complexity of the insurance product and the type of policyholder.

(6) In the case of insurance contracts from the non-life insurance group, the information referred to in the preceding paragraph shall be provided using a standardised document on paper or on another durable medium (hereinafter: insurance product information document), which shall be drawn up by the insurance undertaking and shall:

1. be a brief and stand-alone document;
2. be presented and laid out in a way that is clear and easy to read, using characters of a readable size;
3. be no less comprehensible in the event that, having been originally produced in colour, it is printed or photocopied in black and white;
4. be written in the official languages, or in one of the official languages used in the part of the Member State where the insurance product is offered or, if agreed by the policyholder and the insurance distributor, in another language;
5. be genuine and not misleading;
6. contain the title "Insurance product information document" at the top of the first page;
7. include a statement that the purpose of the document is to provide a summary of information on insurance, that it is not tailored to the individual needs and demands of the policyholder and that complete pre-contractual and contractual information on insurance is provided in other documents.

(7) The insurance product information document shall contain the following information:

1. information about the type of insurance;
2. summary of the insurance cover, including the main risks insured, the insured sum and, where applicable, the geographical scope and summary of the excluded risks;

3. način plačila premij in trajanje plačil;
4. glavne izjeme, ko ni mogoče podati zahtevka;
5. obveznosti ob začetku pogodbe;
6. obveznosti med trajanjem pogodbe;
7. obveznosti v primeru vložitve zahtevka;
8. čas trajanja pogodbe, vključno z datumi začetka in konca veljavnosti pogodbe;
9. pogoje za odstop od pogodbe.

(8) V primeru iz prve alineje 8. točke drugega odstavka tega člena zavarovalni zastopnik obvesti zavarovalca o višini honorarja ali, kadar to ni mogoče, o metodi za izračun honorarja.

(9) Če zavarovalca po sklenitvi zavarovalne pogodbe zavezuje kakšno plačilo poleg tekočih premij in načrtovanih plačil, zavarovalni zastopnik za vsako tovrstno plačilo razkrije podatke iz drugega, tretjega in osmega odstavka tega člena.

(10) Kadar se pred sklenitvijo zavarovalnega produkta zagotovi svetovanje, da zavarovalni zastopnik zavarovalcu tudi osebno priporočilo, ki pojasnjuje, zakaj je posamezen zavarovalni produkt najustreznejši glede na zahteve in potrebe zavarovalca oziroma potencialnega zavarovalca.

(11) Zavarovalni zastopnik pred sklenitvijo pogodbe na podlagi informacij, pridobljenih od zavarovalca, opredeli njegove zahteve in potrebe.

(12) Podrobnosti iz desetega in enajstega odstavka tega člena se oblikujejo glede na zapletenost predlaganega zavarovalnega produkta in vrsto zavarovalca.

(13) Vsaka zavarovalna pogodba, ki jo predlaga zavarovalni zastopnik, mora biti v skladu z zahtevami in potrebami zavarovalca.

(14) Vse informacije iz prvega do dvanajstega odstavka tega člena se zavarovalcu sporočijo:
1. v papirni obliki;
2. na jasen in natančen način, ki ga zavarovalec razume;
3. v uradnem jeziku države članice, v kateri zavarovalna pogodba krije

3. the payment methods for premiums and duration of payments;
4. main exclusions where claims cannot be made;
5. obligations at the start of the contract;
6. obligations during the term of the contract;
7. obligations in the event that a claim is made;
8. the term of the contract including the start and end dates of the contract;
9. the means of terminating the contract.

(8) In the case referred to in indent one of point 8 of paragraph two of this Article, the insurance agent shall inform the policyholder of the amount of the fee or, where that is not possible, of the method for calculating the fee.

(9) If the policyholder is obliged to make payments of any kind in addition to the ongoing premiums and scheduled payments, the insurance agent shall disclose the data referred to in paragraphs two, three and eight of this Article for each such payment.

(10) Where advice is provided prior to the conclusion of an insurance contract, the insurance agent shall provide the policyholder with a personalised recommendation explaining why a particular insurance product would best meet the policyholder’s demands and needs.

(11) Prior to concluding a contract, the insurance agent shall define the policyholder's demands and needs based on the information received from the policyholder.

(12) The details referred to in paragraphs ten and eleven of this Article shall be formulated according to the complexity of the insurance product being proposed and the type of policyholder.

(13) Each insurance contract proposed by the insurance agent shall be in accordance with the policyholder's demands and needs.

(14) All the information referred to in paragraphs one to twelve of this Article shall be communicated to the policyholder:
1. in paper form;
2. in a clear and accurate manner comprehensible to the policyholder;
3. in an official language of the Member State in which the insurance

tveganja, ali države članice, v kateri je nastala obveznost, ali v drugem jeziku, o katerem se zavarovalec in zavarovalni zastopnik dogovorita, in

4. brezplačno.

(15) Ne glede na 1. točko prejšnjega odstavka se lahko informacije iz prvega do dvanajstega odstavka tega člena zavarovalcu zagotovijo na enem od naslednjih medijev:

- trajnem nosilcu podatkov, ki ni papir, kadar so izpolnjeni pogoji iz sedemnajstega odstavka tega člena, ali
- spletnem mestu, kadar so izpolnjeni pogoji iz osemnajstega odstavka tega člena.

(16) Kadar se zavarovalcu informacije iz prvega do dvanajstega odstavka tega člena zagotovijo z uporabo trajnega nosilca podatkov, ki ni papir, ali prek spletnega mesta, se zavarovalcu na njegovo zahtevo brezplačno zagotovi izpis informacij na papirju.

(17) Informacije iz prvega do dvanajstega odstavka tega člena se lahko zagotovijo z uporabo trajnega nosilca podatkov, ki ni papir, če so izpolnjeni naslednji pogoji:

- uporaba trajnega nosilca podatkov je primerna pri poslih med zavarovalnim zastopnikom in zavarovalcem in

- zavarovalec je lahko izbiral med informacijami na papirju in trajnem nosilcu podatkov ter je izbral slednjega.

(18) Informacije iz prvega do dvanajstega odstavka tega člena se lahko zagotovijo prek spletnega mesta, če se naslovijo osebno na zavarovalca ali če so izpolnjeni vsi naslednji pogoji:

- zagotavljanje teh informacij prek spletnega mesta je primerno pri poslih med zavarovalnim zastopnikom in zavarovalcem;

- zavarovalec je privolil v zagotovitev teh informacij prek spletnega mesta;
- zavarovalec je bil po elektronski poti obveščen o naslovu spletnega mesta in o tem, kje na spletnem mestu so dostopne te informacije;

- zagotovljeno je, da te informacije ostanejo dostopne na spletnem mestu tako dolgo, kot jih lahko zavarovalec razumno potrebuje.

contract covers the risks or in an official language of the Member State of the commitment or in any other language agreed upon by the policyholder and the insurance agent, and

4. free of charge.

(15) Notwithstanding point 1 of the preceding paragraph, the information referred to in paragraphs one to twelve of this Article may be provided to the policyholder using one of the following media:

- a durable medium other than paper, where the conditions laid down in paragraph seventeen of this Article are met, or
- a website, where the conditions referred to in paragraph eighteen of this Article are met.

(16) Where the policyholder is provided with the information referred to in paragraphs one to twelve of this Article on a durable medium other than paper or by means of a website, the information shall be printed on paper free of charge at the request of the policyholder.

(17) The information referred to in paragraphs one to twelve of this Article may be provided on a durable medium other than paper if the following conditions are met:

- the use of a durable medium is appropriate in the context of the business conducted between the insurance agent and the policyholder, and
- the policyholder had the option to choose between information on paper and on durable medium and chose the latter.

(18) The information referred to in paragraphs one to twelve of this Act may be provided via a website if the information is addressed personally to the policyholder or if the following conditions are met:

- the provision of that information via a website is appropriate in the context of the business conducted between the insurance agent and the policyholder;
- the policyholder has consented to be provided with that information via a website;
- the policyholder has been notified electronically of the website address and the place on the website where that information can be accessed;
- it is ensured that that information remains accessible on the website for such period of time as the policyholder may reasonably need to consult it.

(19) Za namene iz sedemnajstega in osemnajstega odstavka tega člena se zagotavljanje informacij na trajnem nosilcu podatkov, ki ni papir, ali preko spletnega mesta šteje za primerno pri poslih, sklenjenih med zavarovalnim zastopnikom in zavarovalcem, če obstaja dokaz, da ima zavarovalec reden dostop do interneta. Za tak dokaz se šteje elektronski poštni naslov zavarovalca za namene tega posla.

(20) Pri telefonski prodaji se informacije, ki jih zavarovalni zastopnik pošlje zavarovalcu pred sklenitvijo pogodbe, vključno z dokumentom z informacijami o zavarovalnem produktu, zagotovijo v skladu z zakonom, ki ureja varstvo potrošnikov. Če je zavarovalec izbral, da bo predhodne informacije pridobil na trajnem nosilcu podatkov, ki ni papir, zavarovalni zastopnik v skladu s štirinajstim in petnajstim odstavkom tega člena zavarovalcu zagotovi informacije takoj po sklenitvi zavarovalne pogodbe.

(21) Informacij iz prvega do dvanajstega odstavka tega člena zavarovalnemu zastopniku ni treba podati, če gre za zavarovanja velikih nevarnosti iz 532. člena tega zakona.

(22) Kadar zavarovalni zastopnik podaja predstavitev vsebine zavarovanja oziroma sklepa zavarovanje v elektronski obliki, lahko tudi informacije iz prvega do dvanajstega odstavka tega člena poda v elektronski obliki.

546. člen
(odgovornost zavarovalnice)

(1) Zavarovalnica je odgovorna za dejanja zavarovalnega zastopnika, zavarovalno zastopniške družbe, zastopnika dopolnilnih zavarovanj in banke iz osmega odstavka 558. člena tega zakona v skladu z določbami zakona, ki ureja obligacijska razmerja.

(2) Premije in druga plačila v zvezi z zavarovalno pogodbo štejejo za plačana zavarovalnici, ko so plačana zavarovalnemu zastopniku, zavarovalno zastopniški družbi, zastopniku dopolnilnih zavarovanj oziroma banki iz osmega odstavka 558. člena tega zakona. Odškodnine, zavarovalnine in drugi zneski, namenjeni zavarovalcu,

(19) For the purposes referred to in paragraphs seventeen and eighteen of this Article, the provision of information on a durable medium other than paper or via a website shall be regarded as appropriate in the context of the business conducted between the insurance agent and the policyholder if there is evidence that the policyholder has regular access to the internet. The provision by the policyholder of an e-mail address for the purposes of that business shall be regarded as such evidence.

(20) In the case of telephone sales, the information given to the policyholder by the insurance agent prior to the conclusion of the contract, including the insurance product information document, shall be provided in accordance with the act governing consumer protection. If the policyholder has chosen to obtain prior information on a durable medium other than paper, the information shall be provided by the insurance agent to the policyholder in accordance with paragraphs fourteen and fifteen of this Article immediately after the conclusion of the insurance contract.

(21) In the case of insurance of large risks referred to in Article 532 of this Act, the insurance agent shall not be required to provide the information referred to in paragraphs one to twelve of this Article.

(22) Where an insurance agent is presenting the content of insurance or concluding insurance by electronic means, the information referred to in paragraphs one to twelve of this Article may also be provided by electronic means.

Article 546
(Liability of an insurance undertaking)

(1) An insurance undertaking shall be liable for the activities of an insurance agent, insurance agency company, ancillary insurance intermediary and bank referred to in paragraph eight of Article 558 of this Act pursuant to the Act governing obligations.

(2) Premiums and other payments related to an insurance contract shall be deemed paid to an insurance undertaking when they have been paid to an insurance agent, insurance agency company, ancillary insurance intermediary and bank referred to in paragraph eight of Article 558 of this Act. Indemnities, benefits and other amounts to be

zavarovancu ali drugemu upravičencu, ki jih zavarovalnica plača tej osebi po zavarovalnemu zastopniku, zavarovalno zastopniški družbi, zastopniku dopolnilnih zavarovanj ali banki iz osmega odstavka 558. člena tega zakona, štejejo za plačane šele, ko jih zavarovalec, zavarovanec ali drug upravičenec prejme od zavarovalnega zastopnika, zavarovalno zastopniške družbe, zastopnika dopolnilnih zavarovanj ali banke iz osmega odstavka 558. člena tega zakona.

547. člen
(omejitev pooblastil zastopnika)

(1) Če je pooblastilo zavarovalnega zastopnika omejeno samo na določeno območje, je ta pooblaščen opravljati pravna dejanja iz 543. člena tega zakona samo v zvezi z zavarovanji, ki se nanašajo na premoženje, ki se nahaja na tem območju, oziroma osebe, ki na tem območju bivajo.

(2) Če je pooblastilo za zastopanje omejeno tako, da zavarovalni zastopnik ni pooblaščen za opravljanje vseh pravnih dejanj iz 543. člena tega zakona, ali na način iz prejšnjega odstavka, učinkuje omejitev pooblastila za zastopanje nasproti zavarovalcu samo, če mu je bila ta omejitev znana oziroma mu ni mogla ostati neznana.

(3) Šteje se, da zavarovalcu omejitev pooblastila zavarovalnega zastopnika ni mogla ostati neznana po prejšnjem odstavku samo, če za omejitev ni vedel zaradi hude malomarnosti.

15.2. *Zavarovalni posredniki*

548. člen
(zavarovalni posrednik)

(1) Zavarovalni posrednik je oseba, ki ima dovoljenje Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega posredovanja.

received by a policyholder, insured person or another beneficiary from the insurance undertaking through an insurance agent, insurance agency company, ancillary insurance intermediary and bank referred to in paragraph eight of Article 558 of this Act shall be deemed paid upon receipt by the policyholder, insured person or other beneficiary from an insurance agent, insurance agency company, ancillary insurance intermediary and bank referred to in paragraph eight of Article 558 of this Act.

Article 547
(Limitations on authorisations of an agent)

(1) If an insurance agent's authorisation is limited to a particular area, the agent shall be authorised to perform legal acts referred to in Article 543 of this Act only in relation to insurance which relates to property located in this area or persons living in the area concerned.

(2) If authorisation for agency services is limited either in such a manner that an insurance agent is not authorised to perform all legal acts referred to Article 543 of this Act or in a manner referred to in the preceding paragraph, the limitation of the authorisation for agency services shall have an effect on the policyholder only if they were aware of this limitation or if this limitation could not have remained unknown to them.

(3) It shall be deemed that the limitation of the authorisation of an insurance agent could not have remained unknown to the policyholder pursuant to the preceding paragraph only, if they were not aware of the limitation due to gross negligence.

15.2. *Insurance brokers*

Article 548
(Insurance broker)

(1) An insurance broker shall be a person with authorisation from the Insurance Supervision Agency to conduct insurance brokerage

(2) Za posle zavarovalnega posredovanja se šteje posredovanje pri sklepanju zavarovalnih pogodb ene zavarovalnice ali več zavarovalnic, ki ga proti plačilu začne opravljati ali opravlja zavarovalni posrednik, in sicer tako, da si prizadeva navezati stik zavarovalca z zavarovalnico, da bi z njo sklenil zavarovalno pogodbo. Posli zavarovalnega posredovanja zajemajo zlasti aktivnosti v zvezi s pripravo na sklenitev zavarovalne pogodbe in pomoč pri izvrševanju pravic iz pogodbe.

(3) Za zavarovalno posredovanje se uporabljajo splošna pravila obligacijskega prava o posredniški pogodbi, razen pravil o posredniškem dnevniku in posredniškem listu, če ni v tem zakonu drugače določeno.

549. člen
(zavarovalno posredniška družba)

(1) Zavarovalno posredniška družba je pravna oseba, ki proti plačilu opravlja dejavnost posredovanja pri sklepanju zavarovalnih pogodb.

(2) Za zavarovalno posredniško družbo se smiselno uporabljata drugi in tretji odstavek prejšnjega člena.

(3) Določbe tega zakona o zavarovalno posredniški družbi se smiselno uporabljajo tudi za samostojnega podjetnika posameznika, ki kot gospodarsko dejavnost opravlja dejavnost posredovanja pri sklepanju zavarovalnih pogodb.

(4) V sodni register oziroma drug ustrezen register se ne sme vpisati firma, ki vsebuje besede zavarovalno posredniška družba ali zavarovalno posredovanje ali izpeljanke iz teh besed, če oseba ni pridobila dovoljenja Agencije za zavarovalni nadzor za opravljanje dejavnosti zavarovalnega posredovanja.

550. člen
(zaščita interesov strank)

business.

(2) Insurance brokerage business shall be deemed brokering in concluding insurance contracts for one or several insurance undertakings, which is taken up or pursued, for remuneration, by an insurance broker by endeavouring to bring a policyholder into contact with an insurance undertaking in order to conclude an insurance contract with the insurance undertaking. Insurance brokerage business includes in particular activities related to preparations for the conclusion of an insurance contract and assistance in exercising the rights under a contract.

(3) The general rules of the law of obligations regarding brokerage contracts shall apply to insurance brokerage, except the rules on a brokerage diary and brokerage certificate, unless otherwise provided in this Act.

Article 549
(Insurance brokerage company)

(1) An insurance brokerage company shall be a legal person which, for remuneration, conducts activities of brokering in concluding insurance contracts.

(2) Paragraphs two and three of the preceding Article shall apply *mutatis mutandis* to an insurance brokerage company.

(3) The provisions of this Act regarding an insurance brokerage company shall also apply, *mutatis mutandis*, to a sole trader who conducts an activity of brokering in concluding insurance contracts as an economic activity.

(4) The court register or any other relevant register must not enter a corporate name containing the words insurance brokerage or insurance brokerage company or derivatives of these words if a person has not obtained authorisation from the Insurance Supervision Agency to conduct insurance brokerage activities.

Article 550
(Protection of interests of parties)

(1) Zavarovalni posrednik pri opravljanju zavarovalnega posredovanja ščiti zlasti interese zavarovalca.

(2) V razmerju do zavarovalnice zavarovalni posrednik ščiti tiste interese zavarovalnice, na katere pred sklenitvijo zavarovalne pogodbe ali po njej pazi tudi zavarovalec. Zlasti zavarovalni posrednik zavarovalnico pri pripravi zavarovalne pogodbe obvesti o vseh posebnih nevarnostih, ki so mu znane oziroma bi mu morale biti znane.

551. člen
(obveznosti zavarovalnega posrednika)

(1) Obveznost zavarovalnega posrednika ščititi interese zavarovalca iz prvega odstavka prejšnjega člena obsega tudi pojasnila in svetovanje zavarovalcu o vseh okoliščinah, pomembnih za odločitev zavarovalca za sklenitev zavarovalne pogodbe za določene vrste zavarovanja oziroma z določeno zavarovalnico.

(2) Zaradi izpolnitve obveznosti iz prejšnjega odstavka zavarovalni posrednik zlasti:

1. za zavarovalca izdela primerno analizo nevarnosti in primerna načela kritja;
2. za zavarovalca posreduje pri sklenitvi zavarovanja, ki glede na okoliščine posameznega primera zavarovalcu zagotavlja največje varstvo, pri čemer se ta obveznost lahko omeji zgolj na določene zavarovalne proizvode, če o tem zavarovalni posrednik zavarovalca izrecno obvesti;
3. obvesti zavarovalnico o zavarovalčevi ponudbi za sklenitev zavarovalne pogodbe, izroči zavarovalcu zavarovalne pogoje in ga seznani s pravili za izračun premije;
4. preveri vsebino zavarovalne police;
5. nudi pomoč zavarovalcu v času trajanja zavarovalne pogodbe in sicer tako pred nastopom zavarovalnega primera kot tudi po njem, in zlasti skrbi, da zavarovalec pravna dejanja, ki so pomembna za ohranitev oziroma uresničitev pravic na podlagi zavarovalne pogodbe, opravi v

(1) Insurance brokers shall, in particular, protect the interests of policyholders in conducting insurance brokerage.

(2) In relation to the insurance undertaking, an insurance broker shall protect those interests of the insurance undertaking to which the policyholder must also pay attention prior to, or following the conclusion of an insurance contract. In particular, an insurance broker shall inform an insurance undertaking, in the preparation of an insurance contract, of all the specific risks of which they are or should be aware.

Article 551
(Obligations of an insurance broker)

(1) The obligation of an insurance broker to protect the interests of policyholders referred to in paragraph one of the preceding Article shall also include explanations and advice to a policyholder on all circumstances which are relevant for the decision of the policyholder to conclude an insurance contract for a specific insurance class or with a specific insurance undertaking.

(2) In order to fulfil the obligations referred to in the preceding paragraph, an insurance broker shall, in particular:

1. prepare an adequate risk analysis and adequate principles of coverage for a policyholder;
2. conduct brokering on behalf of a policyholder in concluding an insurance contract which, with respect to circumstances related to a particular case, provides the policyholder with the greatest protection, in which case this obligation may only be limited to particular insurance products, if the insurance broker explicitly informs the policyholder thereof;
3. notify the insurance undertaking of a policyholder's offer for the conclusion of an insurance contract, deliver to the policyholder insurance terms and conditions, and provide information on the rules for calculating the premium;
4. verify the contents of the insurance policy;
5. provide assistance to the policyholder during the term of the insurance contract, both prior to and after the occurrence of the event insured against, and in particular ensure that legal acts relevant to retaining or exercising rights under an insurance contract are

rokih, določenih za opravo teh pravnih dejanj;

6. stalno preverja zavarovalne pogodbe, ki jih je zavarovalec sklenil z njegovim posredovanjem, in izdeluje predloge za spremembe teh zavarovalnih pogodb z namenom doseči večje varstvo.

(3) Za obveznosti zavarovalnega posrednika v razmerju do zavarovalca se smiselno uporabljajo določbe 545. člena tega zakona.

(4) Zavarovalni posrednik ima zavarovano poklicno odgovornost za celotno ozemlje EU za zavarovalno vsoto, ki ne sme biti manjša od zneska, kot je določen v uredbi EU, ki predpisuje zavarovalno vsoto za zavarovanje poklicne odgovornosti zavarovalnega posrednika na en odškodninski zahtevek, ali ne sme biti manjša od zneska, kot je določen v uredbi EU, ki predpisuje zavarovalno vsoto za zavarovanje poklicne odgovornosti zavarovalnega posrednika za vse odškodninske zahtevke skupno v enem letu, razen če je to zavarovanje že zagotovila pravna oseba, v imenu katere zavarovalni posrednik deluje ali od katere je zavarovalni posrednik pooblaščen, ali je ta pravna oseba prevzela polno odgovornost za njegovo delovanje. Oškodovanec je ob nastanku zavarovalnega primera upravičen uveljavljati od zavarovalnice znesek brez upoštevanja morebitne franšize, ki jo nato zavarovalnica regresira od zavarovalca.

552. člen
(odgovornost zavarovalnice v primeru zavarovalnega posrednika)

(1) Kadar zavarovalni posrednik ali zavarovalno posredniška družba deluje po naročilu zavarovalnice, se za odgovornost zavarovalnice uporabljajo določila 546. člena tega zakona.

(2) Kadar zavarovalni posrednik ali zavarovalno posredniška družba deluje po naročilu zavarovalnice, se na zavarovalni polici označi, da je bila zavarovalna pogodba sklenjena s posredovanjem zavarovalnega posrednika. V tem primeru se na zavarovalni polici navedeta osebno ime oziroma firma zavarovalnega posrednika ali zavarovalno posredniške družbe in način prejetega plačila, ki ga je

performed by the policyholder within the deadlines determined for such legal acts;

6. continuously verify insurance contracts concluded via the insurance broker's brokerage by a policyholder and prepare proposals for amendments of these insurance contracts for the purpose of obtaining greater security.

(3) The provisions of Article 545 of this Act shall apply, *mutatis mutandis*, to the obligations of an insurance broker in relation to a policyholder.

(4) An insurance broker shall have professional liability insurance for the entire EU territory for an insured sum which may not be less than the amount specified in the EU regulation prescribing the insured sum for professional liability insurance of an insurance broker per one claim or which may not be less than the amount specified in the EU regulation prescribing the insured sum for professional liability insurance of an insurance broker for the total of all claims within one year, except if such insurance has been provided for by the legal person on behalf of which the insurance broker acts, or by which the insurance broker has been authorised, or if that legal person has assumed full liability for the insurance broker's actions. Upon the occurrence of an insurance event, the injured party shall be entitled to claim an amount from the insurance undertaking without taking into account any deductible, which is then subrogated by the insurance undertaking from the policyholder.

Article 552
(Liability of insurance undertaking in relation to an insurance broker)

(1) Where an insurance broker or an insurance brokerage company acts as commissioned by an insurance undertaking, the provisions of Article 546 of this Act shall apply to the liability of the insurance undertaking.

(2) Where an insurance broker or insurance brokerage company acts as commissioned by an insurance undertaking, it shall be marked on the insurance policy that the insurance contract was concluded via the insurance broker's brokerage. In this case, the insurance policy shall include the name and surname or corporate name of the insurance broker or insurance brokerage company and the manner of the received

zavarovalni posrednik ali zavarovalno posredniška družba upravičena zahtevati od zavarovalnice za posredovanje pri sklenitvi zavarovalne pogodbe.

553. člen
(nasprotje interesov)

(1) Zavarovalni posrednik zavarovalcu razkrije vse pravne in ekonomske povezave s posamezno zavarovalnico, ki lahko vplivajo na nepristranskost zavarovalnega posrednika pri izpolnjevanju obveznosti do zavarovalca, zlasti obveznosti iz 2. in 6. točke drugega odstavka 551. člena tega zakona.

(2) Za pravne in ekonomske povezave po prejšnjem odstavku se štejejo zlasti določbe posredniške pogodbe z zavarovalnico, na podlagi katerih je zavarovalni posrednik:

1. zavezan posredovati izključno pri sklepanju zavarovanj s to zavarovalnico,
2. upravičen do posebne provizije (provizije za uspeh) oziroma do višje provizije za posredovanje pri določenih vrstah zavarovanj.

554. člen
(provizija)

(1) Zavarovalni posrednik nima pravice od zavarovalca zahtevati plačila provizije oziroma kakršnegakoli drugega plačila, če ni s posredniško pogodbo, sklenjeno z zavarovalcem, izrecno pisno drugače dogovorjeno.

(2) Če je s posredniško pogodbo iz prejšnjega odstavka izrecno pisno dogovorjeno, da ima zavarovalni posrednik pravico do provizije, pridobi pravico do provizije, ko začne veljati zavarovalna pogodba, pri sklenitvi katere je posredoval.

555. člen
(prisilne določbe)

remuneration which the insurance broker or insurance brokerage company is entitled to receive from the insurance undertaking for its brokerage activities relating to the conclusion of an insurance contract.

Article 553
(Conflict of interest)

(1) An insurance broker shall disclose to a policyholder any legal and commercial links with a specific insurance undertaking which may affect the impartiality of the insurance broker in meeting obligations to a policyholder, in particular the obligations referred to in points 2 and 6 of paragraph two of Article 551 of this Act.

(2) The legal and commercial links pursuant to the preceding paragraph shall be deemed, in particular the provisions of the brokerage contract with the insurance undertaking, based on which the insurance broker is:

1. obliged to broker exclusively regarding the conclusion of insurance with this insurance undertaking,
2. entitled to special commission (performance commission) or to a higher brokerage commission in specific insurance classes.

Article 554
(Commission)

(1) An insurance broker shall not be entitled to the payment of commission or any other payment, unless explicitly and otherwise agreed in writing in a brokerage contract concluded with a policyholder.

(2) If it is explicitly agreed in writing in a brokerage contract referred to in the preceding paragraph that an insurance broker is entitled to commission, the right to commission shall be acquired upon the entry into force of the insurance contract, the conclusion of which was subject to their brokerage service.

Article 555
(Mandatory provisions)

(1) Obveznosti posrednika iz prvega odstavka 550. člena in iz 551. člena tega zakona s pogodbo ni mogoče izključiti niti omejiti.

(2) Določba posredniške pogodbe, ki je v nasprotju s prejšnjim odstavkom oziroma drugim odstavkom 554. člena tega zakona, je nična.

556. člen
(prepoved posredovanja)

(1) Zavarovalni posrednik ne sme posredovati pri sklenitvi pogodb z zavarovalnico, zavarovalnico države članice oziroma tujo zavarovalnico, če bi bila s sklenitvijo zavarovalne pogodbe kršen 21. člen tega zakona.

(2) Zavarovalni posrednik ne sme posredovati pri sklenitvi zavarovalne pogodbe, ki bi bila v nasprotju s 521. členom tega zakona.

557. člen
(reševanje sporov med zavarovalnimi posredniki in potrošniki oziroma potrošnicami)

Za reševanje sporov med zavarovalnimi posredniki in potrošniki oziroma potrošnicami se smiselno uporablja drugi odstavek 579. člena tega zakona.

15.3. *Pogoji za opravljanje dejavnosti in poslov zavarovalnega zastopanja ali posredovanja*

15.3.1. Skupne določbe

558. člen
(splošne določbe)

(1) Dejavnost zavarovalnega zastopanja ali posredovanja lahko

(1) The broker's obligations referred to in paragraph one of Article 550 and Article 551 of this Act may not be excluded or limited by a contract.

(2) A provision of a brokerage contract that is contrary to the preceding paragraph or paragraph two of Article 554 of this Act shall be null and void.

Article 556
(Prohibition of brokerage)

(1) An insurance broker must not act as a broker in concluding contracts with an insurance undertaking, an insurance undertaking from a Member State or a foreign insurance undertaking if the conclusion of such insurance contract would constitute a violation of Article 21 of this Act.

(2) An insurance broker must not act as a broker in concluding an insurance contract that would be contrary to Article 521 of this Act.

Article 557
(Resolution of disputes between insurance brokers and consumers)

Paragraph two of Article 579 of this Act shall apply, *mutatis mutandis*, to the resolution of disputes between insurance brokers and consumers.

15.3. *Conditions for conducting insurance agency or insurance brokerage activities and business*

15.3.1. Common provisions

Article 558
(General provisions)

(1) Insurance agency or insurance brokerage activities may

opravlja samo zavarovalno zastopniška ali posredniška družba, ki je pridobila dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali posredovanja.

(2) Za opravljanje dejavnosti po prejšnjem odstavku se ne štejejo posli zavarovalnega zastopanja ali zavarovalnega posredovanja, ki jih opravljajo fizične osebe na podlagi zaposlitve ali drugega pravnega razmerja v zavarovalnici oziroma družbi iz prvega, tretjega, šestega ali osmega odstavka tega člena.

(3) Ne glede na prvi odstavek tega člena lahko dejavnost zavarovalnega zastopanja opravljajo tudi zastopniki dopolnilnih zavarovanj, ki so pridobili dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja.

(4) Zastopnik dopolnilnih zavarovanj je vsaka pravna oseba ali posameznik, razen kreditne institucije in investicijskega podjetja, kot sta opredeljena v 1. in 2. točki prvega odstavka 4. člena Uredbe (EU) št. 575/2013 Evropskega parlamenta in Sveta, ki začne proti plačilu opravljati ali opravlja distribucijo zavarovalnih produktov kot dopolnilno dejavnost, če so izpolnjeni vsi naslednji pogoji:

1. glavna poklicna dejavnost te osebe ni distribucija zavarovalnih produktov;
2. oseba samo lastnim strankam distribuira določene zavarovalne produkte, ki dopolnjujejo blago ali storitev, s katero ta oseba ustvarja na trgu prihodke v okviru opravljanja svoje dovoljene dejavnosti.

(5) Določbe tega zakona, ki se nanašajo na zastopnike dopolnilnih zavarovanj in se sklicujejo na družbo, se smiselno uporabljajo za zastopnike dopolnilnih zavarovanj, ki niso ustanovljeni kot gospodarska družba.

(6) Določbe tega zakona se ne uporabljajo za zastopnika dopolnilnih zavarovanj iz tretjega odstavka tega člena, ki opravlja distribucijo zavarovalnih produktov, kadar so hkrati izpolnjeni vsi naslednji pogoji:

1. zavarovanje je dopolnitev ali je v povezavi z izdelkom ali storitvijo, ki jo zastopnik dopolnilnih zavarovanj zagotavlja, in krije:

   - nevarnost okvare, izgube ali poškodovanja izdelkov ali stvari ali

only be conducted by an insurance agency or brokerage company which has obtained authorisation to conduct insurance agency or insurance brokerage activities.

(2) Insurance agency or insurance brokerage activities conducted by natural persons on the basis of employment or other legal relationship with an insurance undertaking or company referred to in paragraph one, three, six or eight of this Article shall not be deemed activities pursuant to the preceding paragraph.

(3) Notwithstanding paragraph one of this Article, insurance agency activities may also be performed by ancillary insurance intermediaries which have obtained authorisation to perform insurance agency activities.

(4) An ancillary insurance intermediary shall mean any legal or natural person, other than a credit institution or investment firm as defined in points 1 and 2 of paragraph one of Article 4 of Regulation (EU) No 575/2013 of the European Parliament and of the Council, which, for remuneration, takes up or pursues insurance distribution on an ancillary basis, provided that all the following conditions are met:

1. the principal professional activity of that person is other than insurance distribution;
2. the person distributes to their clients only certain insurance products which complement the goods or services, with which that person generates income on the market in the course of carrying out their authorised activity.

(5) The provisions of this Act relating to ancillary insurance intermediaries and referring to an undertaking shall apply *mutatis mutandis* to ancillary insurance intermediaries that are not established as a company.

(6) The provisions of this Article shall not apply to an ancillary insurance intermediary referred to in paragraph three of this Article which carries out insurance distribution when all the following conditions are met:

1. insurance is complementary or is related to a product or service provided by an ancillary insurance intermediary and where such insurance covers:
   - the risk of breakdown, loss of, or damage to, the products or goods

neuporabe storitve, ki jo posreduje, ali
- nevarnost poškodovanja ali izgube prtljage in drugih nevarnosti, povezanih s turističnim potovanjem, ki je bilo vplačano pri tem ponudniku, in

2. sorazmerni znesek letne premije zavarovanja ni višji od 600 eurov,

3. ne glede na prejšnjo točko znesek premije, plačan na osebo, ne presega 200 eurov, kadar je zavarovanje sklenjeno za tri mesece ali manj.

(7) Zavarovalnica, zavarovalno zastopniška družba in zavarovalno posredniška družba, ki opravlja dejavnost distribucije prek zastopnika dopolnilnih zavarovanj iz prejšnjega odstavka, zagotovijo, da:

1. ima potencialni zavarovalec pred sklenitvijo pogodbe na voljo informacije o njeni identiteti in naslovu ter postopkih iz 579. člena tega zakona, ki zavarovalcem, zavarovancem in drugim upravičencem iz zavarovalne pogodbe omogočajo vlaganje pritožb;

2. so vzpostavljene ustrezne in sorazmerne ureditve za skladnost s prvim in drugim odstavkom 524. člena, prvim odstavkom 527.a člena in četrtim do osmim odstavkom 522. člena tega zakona ter da so pred predložitvijo pogodbe upoštevane zahteve in potrebe stranke;

3. se pred sklenitvijo pogodbe stranki zagotovi dokument z informacijami o zavarovalnem produktu iz sedmega odstavka 545. člena tega zakona.

(8) Ne glede na prvi odstavek tega člena lahko dejavnost zavarovalnega zastopanja opravljajo tudi banke, ki so za opravljanje te dejavnosti pridobile dovoljenje Evropske centralne banke. Evropska centralna banka izda dovoljenje na podlagi predhodnega mnenja Agencije za zavarovalni nadzor. Za dovoljenje Evropske centralne banke za opravljanje dejavnosti zavarovalnega zastopanja se smiselno uporablja zakon, ki ureja bančništvo.

(9) Agencija za zavarovalni nadzor mnenje iz prejšnjega odstavka poda v 45 dneh od dneva prejema zaprosila. Če Agencija za zavarovalni nadzor v tem roku ne poda mnenja, se šteje, da je mnenje podano.

or the non-use of the service supplied, or
- the risk of the damage or loss of luggage and other risks relating to tourist travel paid with that provider and

2. the proportionate amount of annual insurance premium shall not exceed EUR 600,
3. notwithstanding the preceding point, the amount of premium paid per person shall not exceed EUR 200 when insurance is concluded for three months or less.

(7) An insurance undertaking, insurance agency company and insurance brokerage company carrying out insurance distribution via an ancillary insurance intermediary referred to in the preceding paragraph shall ensure that:

1. information is made available to the potential policyholder, prior to the conclusion of the contract, about its identity and address and about the procedures referred to in Article 579 of this Act allowing policyholders, insured persons and other beneficiaries under the insurance contract to lodge complaints;
2. appropriate and proportionate arrangements are in place to comply with paragraphs one and two of Article 524, paragraph one of Article 527a and paragraphs four to eight of Article 522 of this Act and to consider the demands and needs of the client before the proposal of the contract;
3. the insurance product information document referred to in paragraph seven of Article 545 of this Act is provided to the client prior to the conclusion of the contract.

(8) Notwithstanding paragraph one of this Article, insurance agency activities may also be performed by banks if they have obtained authorisation to conduct these activities from the European Central Bank. The European Central Bank shall issue authorisation based on the prior opinion of the Insurance Supervision Agency. The act governing banking shall apply, *mutatis mutandis,* to an authorisation of the European Central Bank to conduct insurance agency activities.

(9) The Insurance Supervision Agency shall provide the opinion referred to in the preceding paragraph within 45 days of the receipt of the request. If the Insurance Supervision Agency does not provide an opinion by this deadline, it shall be deemed that an opinion has been given.

(10) Banka Slovenije obvesti Agencijo za zavarovalni nadzor o izdaji dovoljenja iz osmega odstavka tega člena v 15 dneh od dneva izdaje dovoljenja.

(11) Banka Slovenije obvesti Agencijo za zavarovalni nadzor o odvzemu oziroma prenehanju veljavnosti dovoljenja iz osmega odstavka tega člena v 15 dneh od izdaje odločbe.

559. člen
(združenje zavarovalno zastopniških ali posredniških družb)

(1) Zavarovalno zastopniške ali posredniške družbe se lahko združijo v združenje zavarovalno zastopniških ali posredniških družb, organizirano kot gospodarsko interesno združenje.

(2) Združenje zavarovalno zastopniških ali posredniških družb opravlja naloge skupnega pomena za zavarovalno zastopniške ali posredniške družbe, določene v pogodbi o ustanovitvi ali drugih aktih združenja.

560. člen
(obveznost zavarovalnice)

Zavarovalnica zagotovi, da zanjo dejavnost zavarovalnega zastopanja ali posredovanja opravljajo samo osebe iz prvega, tretjega, šestega ali osmega odstavka 558. člena tega zakona.

561. člen
(dovoljenje za opravljanje poslov zavarovalnega zastopanja ali posredovanja)

(1) Posle zavarovalnega zastopanja ali zavarovalnega posredovanja lahko pri zavarovalnici, zavarovalno zastopniški družbi, zavarovalno posredniški družbi, zastopniku dopolnilnih zavarovanj iz

(10) The Bank of Slovenia shall notify the Insurance Supervision Agency of the issuance of the authorisation referred to in paragraph eight of this Article within 15 days of the date of issue of the authorisation.

(11) The Bank of Slovenia shall notify the Insurance Supervision Agency of the withdrawal or termination of validity of the authorisation referred to in paragraph eight of this Article within 15 days of the date of issue of a decision.

Article 559
(Association of insurance agency or insurance brokerage companies)

(1) Insurance agency or brokerage companies may form an association of insurance agency or brokerage companies organised as an economic interest grouping.

(2) An association of insurance agency or brokerage companies shall conduct tasks of common interest to insurance agency or brokerage companies laid down in the instrument of incorporation or other acts of the association.

Article 560
(Obligation of an insurance undertaking)

Insurance undertakings shall ensure that insurance agency or brokerage activities on their behalf shall only be conducted by persons referred to in paragraphs one, three, six or eight of Article 558 of this Act.

Article 561
(Authorisation to conduct insurance agency or brokerage business)

(1) Insurance agency or insurance brokerage business may be independently conducted only by natural persons with authorisation from the Insurance Supervision Agency to conduct insurance agency or

tretjega odstavka 558. člena tega zakona ali banki iz osmega odstavka 558. člena tega zakona samostojno opravljajo samo fizične osebe, ki imajo dovoljenje Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega zastopanja ali posredovanja.

(2) Pomožni zavarovalni zastopnik ali posrednik je oseba, ki pod nadzorom in ob navzočnosti mentorja, ki ima dovoljenje Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega zastopanja ali posredovanja, išče potencialne zavarovalce in sodeluje pri predstavitvi mentorja zavarovanj potencialnim zavarovalcem, pri čemer sme sam predstavljati zgolj osnovne značilnosti zavarovanja, kot so predmet zavarovanja, zavarovane nevarnosti, zavarovalna kritja, izključitve zavarovalnega kritja in zavarovalne vsote. Pomožni zavarovalni zastopnik ali posrednik ne sme sklepati zavarovanj ali podajati drugih izjav v imenu ali za račun zavarovalnice, zavarovalno zastopniške oziroma posredniške družbe, zastopnika dopolnilnih zavarovanj iz tretjega odstavka 558. člena ali banke iz osmega odstavka 558. člena tega zakona. Opravljanje del pomožnega zavarovalnega zastopnika ali posrednika se všteva v dokazovanje pogoja trimesečnih izkušenj, ki so potrebne za pridobitev dovoljenja za opravljanje poslov zavarovalnega zastopanja oziroma posredovanja. Posamezni mentor iz prvega stavka tega odstavka je lahko hkrati mentor le petim pomožnim zavarovalnim zastopnikom ali posrednikom. Mentor iz prvega stavka tega odstavka je odgovoren za pravilnost in resničnost podanih izjav pomožnega zavarovalnega zastopnika ali posrednika, ki so podane potencialnemu zavarovalcu.

(3) Agencija za zavarovalni nadzor izda dovoljenje za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja, če oseba izpolnjuje naslednje pogoje:

1. je uspešno opravila preizkus strokovnega znanja, potrebnega za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja,
2. ima najmanj trimesečne izkušnje s področja zavarovalnih poslov, ki jih je pridobila na podlagi zaposlitve ali drugega pravnega razmerja z zavarovalnico, zavarovalno zastopniško družbo, zavarovalno posredniško družbo, zastopnikom dopolnilnih zavarovanj iz tretjega odstavka 558. člena ali banko iz osmega odstavka 558. člena tega zakona,
3. obvlada slovenski jezik,

insurance brokerage business for an insurance undertaking, insurance agency company, insurance brokerage company, ancillary insurance intermediary referred to in paragraph three of Article 558 of this Act or a bank referred to in paragraph eight of Article 558 of this Act.

(2) An ancillary insurance agent or broker is a person who, under the supervision and in the presence of a mentor with authorisation from the Insurance Supervision Agency to conduct insurance agency or insurance brokerage business, seeks potential policyholders and assists the mentor in presenting insurance to potential policyholders, where they shall present only the general elements of insurance, such as the subject of insurance, insured risks, insurance coverage, excluded insurance coverage and insured sums. The ancillary insurance agent or broker must not conclude insurance or provide any other statements on behalf of, or for the account of, an insurance undertaking, insurance agency or insurance brokerage company, ancillary insurance intermediary referred to in paragraph three of Article 558 or a bank referred to in paragraph eight of Article 558 of this Act. The work of an ancillary insurance agent or broker shall be taken into account for the fulfilment of the condition regarding the three months of experience required to obtain authorisation to conduct insurance agency or insurance brokerage business. The individual mentor referred to in the first sentence of this paragraph may only be a mentor to five ancillary insurance agents or brokers simultaneously. The mentor referred to in the first sentence of this paragraph shall be responsible for the accuracy and truthfulness of statements of an ancillary insurance agent or broker to a potential policyholder.

(3) The Insurance Supervision Agency shall issue authorisation to conduct insurance agency or insurance brokerage business if a person fulfils the following conditions:

1. the person has passed a proficiency examination required to conduct insurance agency or insurance brokerage business,
2. the person has at least three months of experience in the area of insurance business acquired on the basis of an employment or other legal relationship with an insurance undertaking, insurance agency company, insurance brokerage company, ancillary insurance intermediary referred to in paragraph three of Article 558 or a bank referred to in paragraph eight of Article 558 of this Act,
3. the person is fluent in the Slovenian language,

4. da v zadnjih petih letih ni bila pravnomočno in nepogojno obsojena za kaznivo dejanje zoper premoženje, gospodarstvo ali pravni promet na kazen zapora več kot treh mesecev,

5. da nad njo ni bil začet postopek osebnega stečaja,

6. ji Agencija za zavarovalni nadzor ni odvzela dovoljenja za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja pred manj kot petimi leti iz kateregakoli razloga iz 1. do 11. točke osmega odstavka tega člena.

(4) Če je bilo osebi odvzeto dovoljenje za opravljanje poslov zavarovalnega zastopanja ali posredovanja, v ponovni zahtevi za izdajo dovoljenja priloži dokazila, da je izpolnila pogoja iz 1. in 2. točke prejšnjega odstavka po datumu odvzema dovoljenja za opravljanje poslov zavarovalnega zastopanja ali posredovanja.

(5) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja tudi, če iz podatkov, ki jih ima na voljo, izhaja, da bi bilo lahko zaradi dejavnosti ali poslov, ki jih oseba opravlja ali zaradi ravnanj, ki jih je storila ali opustila, ogroženo opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja v skladu z določbami tega zakona ali bi bilo ovirano ali oteženo izvajanje učinkovitega nadzora nad opravljanjem poslov zavarovalnega zastopanja ali zavarovalnega posredovanja.

(6) Zavarovalni zastopniki in zavarovalni posredniki se stalno poklicno usposabljajo tako, da ohranijo primerno raven storitev, ki ustreza njihovi vlogi in zavarovalniškem trgu.

(7) Zavarovalni posrednik zahtevi za izdajo dovoljenja za opravljanja poslov zavarovalnega posredovanja predloži tudi potrdilo o sklenjenem zavarovanju iz četrtega odstavka 551. člena tega zakona.

(8) Agencija za zavarovalni nadzor odvzame dovoljenje za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja, če:
1. je bilo dovoljenje pridobljeno z navajanjem neresničnih podatkov;

4. the person has not been convicted in a final judgement or unconditionally sentenced to a prison term of more than three months for committing a criminal offence against property, the economy or legal transactions in the last five years,
5. the person has not been the subject of personal bankruptcy proceedings,
6. the Insurance Supervision Agency has not withdrawn authorisation to conduct insurance agency or insurance brokerage business within the last five years for any reason referred to in points 1 to 11 of paragraph eight of this Article.

(4) If a person’s authorisation to conduct insurance agency or insurance brokerage business has been withdrawn, they shall provide evidence, together with their application for authorisation, of fulfilling the conditions referred to in points 1 and 2 of the preceding paragraph after the date of the authorisation to conduct insurance agency or insurance brokerage business has been withdrawn.

(5) The Insurance Supervision Agency shall reject an application to issue authorisation to conduct insurance agency or insurance brokerage business if it is evident from the information available to the Insurance Supervision Agency that the activities or business performed by the person, or the acts committed or omitted by them, could endanger the conduct of insurance agency or insurance brokerage business in accordance with the provisions of this Act or impede the effective supervision of the conduct of insurance agency or insurance brokerage business or make it more difficult.

(6) Insurance agents and insurance brokers shall undergo continuing vocational training in order to maintain an appropriate level of services corresponding to their role and the insurance market.

(7) An insurance broker shall also submit confirmation regarding concluded insurance referred to in paragraph four of Article 551 of this Act together with an application for authorisation to conduct insurance brokerage business.

(8) The Insurance Supervision Agency shall withdraw authorisation to conduct insurance agency or insurance brokerage business if:
1. the authorisation was obtained by stating false information;

2. zavarovalni zastopnik ali zavarovalni posrednik v postopku pregleda poslovanja podaja neresnične podatke, informacije ali poročila, ki niso izkaz dejanskega stanja;
3. zavarovalni zastopnik ali zavarovalni posrednik pooblaščeni osebi ne omogoči pregleda poslovanja ali ovira postopke pregleda poslovanja, kot je določen v 296. do 300. členu tega zakona;
4. zavarovalni zastopnik ali zavarovalni posrednik krši določbo drugega odstavka tega člena glede največjega dovoljenega števila pomožnih zavarovalnih zastopnikov ali zavarovalnih posrednikov pod mentorstvom;
5. je bil zavarovalni zastopnik ali zavarovalni posrednik pravnomočno in nepogojno obsojen zaradi kaznivega dejanja zoper premoženje, gospodarstvo ali pravni promet na kazen zapora več kot treh mesecev;
6. je bil nad zavarovalnim zastopnikom ali posrednikom začet postopek osebnega stečaja;
7. zavarovalni zastopnik ali zavarovalni posrednik ponavljajoče krši obveznosti iz devetega do petnajstega odstavka 521. člena, iz četrtega do osmega odstavka 522. člena, iz prvega ali drugega odstavka 524. člena ter 527.a, 528.a, 528.b, 528.c, 528.č, 528.d ali 545. člena tega zakona;
8. zavarovalni posrednik ponavljajoče krši obveznosti iz 550. člena ali iz prvega, drugega ali tretjega odstavka 551. člena tega zakona;
9. je zavarovalni zastopnik ali zavarovalni posrednik huje kršil dobre poslovne običaje pri opravljanju poslov zavarovalnega zastopanja ali zavarovalnega posredovanja;
10. zavarovalni posrednik nima zavarovane poklicne odgovornosti v skladu s četrtim odstavkom 551. člena tega zakona;
11. zavarovalni zastopnik ali zavarovalni posrednik kot mentor dopušča pomožnemu zavarovalnemu zastopniku ali zavarovalnemu posredniku, da krši drugi odstavek tega člena;
12. zavarovalni zastopnik ali zavarovalni posrednik ponavljajoče krši obveznost iz šestega odstavka tega člena.

(9) Za ponavljajočo se kršitev iz 7., 8. in 12. točke prejšnjega odstavka se šteje kršitev, pri kateri zavarovalni zastopnik ali posrednik kršitev ponovno stori vsaj enkrat v petih letih po storitvi istovrstne kršitve.

(10) Dovoljenje za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja preneha veljati s prejemom

2. during a business review procedure an insurance agent or broker provides false data, information or reports that do not show the accurate state of affairs;
3. an insurance agent or broker does not allow the authorised person to review its business or obstructs the business review procedure as provided in Articles 296 to 300 of this Act;
4. an insurance agent or broker violates the provision of paragraph two of this Article regarding the total permitted number of ancillary insurance agents or brokers under mentorship;
5. an insurance agent or broker has not been convicted in a final judgement or unconditionally sentenced to a prison term of more than three months for committing a criminal offence against property, the economy or legal transactions;
6. personal bankruptcy proceedings were initiated against an insurance agent or broker;
7. an insurance agent or broker repeatedly violates the obligations referred to in paragraphs nine to fifteen of Article 521, paragraphs four to eight of Article 522, paragraphs one or two of Article 524, and Articles 527a, 528a, 528b, 528c, 528č, 528d or 545 of this Act;
8. an insurance broker repeatedly violates the obligations referred to in Article 550 or paragraphs one, two, or three of Article 551 of this Act;
9. an insurance agent or broker has seriously violated good business customs in conducting insurance agency or insurance brokerage business;
10. an insurance broker fails to insure professional liability pursuant to paragraph four of Article 551 of this Act;
11. an insurance agent or broker as a mentor allows an ancillary insurance agent or broker to violate paragraph two of this Article;
12. an insurance agent or broker repeatedly violates the obligation referred to in paragraph six of this Article.

(9) A repeated violation referred to in points 7, 8 and 12 of the preceding paragraph is a violation where an insurance agent or broker recommits a violation at least once in a period of five years after committing an identical violation.

(10) The authorisation to conduct insurance agency or insurance brokerage business shall be terminated upon receipt of a

izjave zavarovalnega zastopnika ali zavarovalnega posrednika, da je prenehal opravljati posle zavarovalnega zastopanja ali zavarovalnega posredovanja.

(11) Če nastopi razlog iz prejšnjega odstavka, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da je dovoljenje prenehalo.

(12) Z odločbo o pogojnem odvzemu dovoljenja za opravljanje poslov zavarovalnega zastopanja ali posredovanja lahko Agencija za zavarovalni nadzor hkrati izreče, da se odvzem ne bo izvršil, če zavarovalni zastopnik ali posrednik v preizkusnem obdobju, ki ga določi Agencija za zavarovalni nadzor in ki ne sme biti krajše od šestih mesecev in ne daljše od dveh let od dneva izdaje odločbe, ne bo storil novih dejanj, zaradi katerih je mogoče odvzeti dovoljenje. V primeru kršitev iz 5., 7., 8. in 9. točke osmega odstavka tega člena pogojni odvzem dovoljenja ni mogoč.

(13) Agencija za zavarovalni nadzor prekliče pogojni odvzem dovoljenja in dovoljenje odvzame, če zavarovalni zastopnik oziroma posrednik v preizkusnem obdobju stori novo dejanje, zaradi katerega je mogoče odvzeti dovoljenje.

(14) Predlog za odvzem dovoljenja za opravljanje poslov zavarovalnega zastopanja oziroma posredovanja lahko da zavarovalnica, delodajalec, Slovensko zavarovalno združenje in združenje zavarovalno zastopniških ali posredniških družb. O odvzetih dovoljenjih Agencija za zavarovalni nadzor obvesti vlagatelja predloga za odvzem dovoljenja, Slovensko zavarovalno združenje ali združenje zavarovalno zastopniških ali posredniških družb. Slovensko zavarovalno združenje obvestilo Agencije za zavarovalni nadzor o odvzetih dovoljenjih iz prejšnjega stavka tega odstavka pošlje svojim članicam. Agencija za zavarovalni nadzor o odvzetem dovoljenju obvesti tudi delodajalca ali drugega pogodbenika, če izve, da oseba, kateri je bilo dovoljenje odvzeto, opravlja posle zavarovalnega zastopanja ali posredovanja na podlagi pogodbe o zaposlitvi ali na podlagi drugega pravnega razmerja.

statement by the insurance agent or insurance broker that they have ceased to conduct insurance agency or insurance brokerage business.

(11) When a reason referred to in the preceding paragraph arises, the Insurance Supervision Agency shall issue a decision establishing that the authorisation has been terminated.

(12) Simultaneously with the decision on conditional withdrawal of authorisation to conduct insurance agency or insurance brokerage business, the Insurance Supervision Agency may also decide not to withdraw authorisation if an insurance agent or broker does not commit another violation on the grounds of which it might be possible to withdraw authorisation within a trial period to be determined by the Insurance Supervision Agency and lasting not less than six months and not more than two years from the issue date of the decision. In the case of violations referred to in points 5, 7, 8, and 9 of paragraph eight of this Article, conditional withdrawal of authorisation shall not be permitted.

(13) The Insurance Supervision Agency shall revoke the conditional withdrawal of authorisation and withdraw the authorisation if the insurance agent or broker commits new acts in the trial period resulting in circumstances giving rise to the possible withdrawal of authorisation.

(14) A proposal for withdrawing authorisation to conduct insurance agency or insurance brokerage business may be submitted by an insurance undertaking, an employer, the Slovenian Insurance Association and an association of insurance agency or insurance brokerage companies. The Insurance Supervision Agency shall notify the applicant submitting the proposal to withdraw authorisation, the Slovenian Insurance Association or an association of insurance agency or insurance brokerage companies regarding authorisations that have been withdrawn. The Slovenian Insurance Association shall send the notification of the Insurance Supervision Agency regarding authorisations that have been withdrawn referred to in the preceding sentence to its members. The Insurance Supervision Agency shall also notify the employer or any other contracting party of the withdrawal of authorisation if it has been informed that the person from whom authorisation has been withdrawn is conducting insurance agency or insurance brokerage business on the basis of an employment contract or other legal relationship.

(15) Če je zavarovalni zastopnik oziroma posrednik prejel redno ali izredno odpoved pogodbe o zaposlitvi ali pogodbe na podlagi drugega pravnega razmerja zaradi kršitev obveznosti zavarovalnega zastopanja ali posredovanja, delodajalec o tem obvesti Agencijo za zavarovalni nadzor ter nadzorni organ države gostiteljice.

(15) If an insurance agent or broker is given notice of ordinary or extraordinary termination of an employment contract or a contract based on another legal relationship due to violating insurance agency or insurance brokerage obligations, the employer shall notify the Insurance Supervision Agency and the supervisory authority of the host Member State thereof.

562. člen
(register zavarovalnih zastopnikov in zavarovalnih posrednikov)

(1) Agencija za zavarovalni nadzor skladno s šestim odstavkom tega člena vodi registre zavarovalno zastopniških družb, zavarovalno posredniških družb, zastopnikov dopolnilnih zavarovanj in bank, ki so na območju Republike Slovenije v skladu s tem zakonom upravičene opravljati dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja. Agencija za zavarovalni nadzor skladno s petim odstavkom tega člena vodi registre zavarovalnih zastopnikov in zavarovalnih posrednikov, ki so na območju Republike Slovenije v skladu s tem zakonom upravičeni opravljati posle zavarovalnega zastopanja ali zavarovalnega posredovanja. Agencija za zavarovalni nadzor vzpostavi eno samo informacijsko točko, ki omogoča hiter in enostaven dostop do teh registrov, ki so v elektronski obliki, in jih redno posodablja.

Article 562
(Register of insurance agents and brokers)

(1) In accordance with paragraph six of this Article, the Insurance Supervision Agency shall keep registers of insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries and banks entitled to conduct insurance agency or insurance brokerage activities in the territory of the Republic of Slovenia pursuant to this Act. In accordance with paragraph five of this Article, the Insurance Supervision Agency shall keep registers of the insurance agents and insurance brokers who are entitled to conduct insurance agency or insurance brokerage business in the territory of Slovenia pursuant to this Act. The Insurance Supervision Agency shall establish a single information point allowing quick and easy access to information from those registers, which shall be compiled electronically and updated regularly.

(2) Zavarovalnica skladno s šestim odstavkom tega člena vodi register zavarovalno zastopniških družb, zastopnikov dopolnilnih zavarovanj in bank, ki zanjo na podlagi pravnega razmerja opravljajo dejavnost zavarovalnega zastopanja. Zavarovalnica skladno s petim odstavkom tega člena vodi register zavarovalnih zastopnikov, ki na podlagi zaposlitve ali drugega pravnega razmerja z njo opravljajo posle zavarovalnega zastopanja. Zavarovalnica v okviru vodenja registra navede tudi osebno ime člana njene uprave, ki je odgovoren za distribucijo zavarovalnih produktov.

(2) In accordance with paragraph six of this Article, an insurance undertaking shall keep a register of insurance agency companies, ancillary insurance intermediaries and banks that conduct insurance agency activities on its behalf on the basis of a legal relationship. In accordance with paragraph five of this Article, an insurance undertaking shall keep a register of insurance agents who, on the basis of an employment or other legal relationship, conduct insurance agency business with it. In such a register, the insurance undertaking shall state the name of its management board member responsible for insurance distribution.

(3) Zavarovalno zastopniška družba, zavarovalno posredniška družba, zastopnik dopolnilnih zavarovanj in banka iz osmega odstavka 558. člena tega zakona skladno s petim odstavkom tega člena vodi register zavarovalnih zastopnikov oziroma zavarovalnih posrednikov, ki

(3) An insurance agency company, insurance brokerage company, ancillary insurance intermediary and bank referred to in paragraph eight of Article 558 of this Act shall, in accordance with paragraph five of this Article, keep a register of insurance agents or

na podlagi zaposlitve ali drugega pravnega razmerja z zavarovalno zastopniško družbo, zavarovalno posredniško družbo, zastopnikom dopolnilnih zavarovanj ali banko iz osmega odstavka 558. člena tega zakona opravljajo posle zavarovalnega zastopanja ali zavarovalnega posredovanja. Zavarovalno zastopniška družba skladno s šestim odstavkom tega člena vodi register zavarovalno zastopniških družb in zastopnikov dopolnilnih zavarovanj, ki na podlagi pravnega razmerja z njo opravljajo dejavnost zavarovalnega zastopanja.

(4) Registri iz prejšnjih odstavkov so javni.

(5) Registri zavarovalnih zastopnikov oziroma zavarovalnih posrednikov, ki so v Republiki Sloveniji pridobili dovoljenje za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja, vsebujejo naslednje podatke: osebno ime zavarovalnega zastopnika ali zavarovalnega posrednika, številko in datum izdanega dovoljenja za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja ter informacije o državah, v katerih lahko zavarovalni zastopnik ali zavarovalni posrednik opravlja posle zavarovalnega zastopanja ali zavarovalnega posredovanja. Registri zavarovalnih zastopnikov oziroma zavarovalnih posrednikov, ki so v državi članici pridobili dovoljenje za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja, vsebujejo naslednje podatke: osebno ime zavarovalnega zastopnika ali zavarovalnega posrednika, registracijsko številko, datum prejema obvestila iz prvega odstavka 573. člena tega zakona ter informacijo o registru zavarovalnih zastopnikov ali zavarovalnih posrednikov v državi članici in o nadzornemu organu v državi članici.

(6) Registri zavarovalno zastopniških družb, zavarovalno posredniških družb, zastopnikov dopolnilnih zavarovanj in bank s sedežem v Republiki Sloveniji vsebujejo naslednje podatke: firmo in naslov zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopnika dopolnilnih zavarovanj ali banke, številko in datum izdanega dovoljenja, osebno ime in funkcijo poslovodnih oseb družbe, ki so odgovorni za distribucijo zavarovalnih produktov, ter navedbo držav, v katerih lahko ta družba opravlja svojo dejavnost. Registri zavarovalno zastopniških družb, zavarovalno posredniških družb, zastopnikov dopolnilnih zavarovanj in bank držav članic vsebujejo naslednje podatke: firmo in naslov zavarovalno zastopniške družbe, zavarovalno posredniške

insurance brokers who, on the basis of an employment or other legal relationship, conduct insurance agency or insurance brokerage business with that insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank referred to in paragraph eight of Article 558 of this Act. In accordance with paragraph six of this Article, the insurance agency company shall keep a register of insurance agency companies and ancillary insurance intermediaries which conduct insurance agency business with it on the basis of a legal relationship.

(4) The registers referred to in the preceding paragraphs shall be public.

(5) The registers of insurance agents or insurance brokers who have obtained authorisation to conduct insurance agency or insurance brokerage business in the Republic of Slovenia shall include the following data: personal name of the insurance agent or insurance broker, the number and date of issue of authorisation to conduct insurance agency or insurance brokerage business, and information on the countries in which the insurance agent or insurance broker may conduct insurance agency or insurance brokerage business. The registers of insurance agents or insurance brokers who have obtained authorisation to conduct insurance agency or insurance brokerage business in a Member State shall include the following data: personal name of the insurance agent or insurance broker, registration number, date of receipt of notification referred to in paragraph one of Article 573 of this Act, and information on the register of insurance agents or insurance brokers in the Member State and on the supervisory authority in the Member State.

(6) The registers of insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries and banks with head offices in the Republic of Slovenia shall include the following data: the corporate name and address of the insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank, the number and date of issue of authorisation, the personal name and functions of the managers of the company responsible for insurance distribution, and a list of the countries in which that company may conduct its activities. The registers of insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries and banks from Member States shall include the following data: the corporate name and

družbe, zastopnika dopolnilnih zavarovanj ali banke, registracijsko številko, datum prejema obvestila iz prvega odstavka 573. člena tega zakona ter informacijo o registru zavarovalno zastopniških družb, zavarovalno posredniških družb, zastopnikov dopolnilnih zavarovanj oziroma bank v državi članici in o nadzornem organu v državi članici. Pri zavarovalno zastopniških družbah, zavarovalno posredniških družbah in bankah držav članic, ki na območju Republike Slovenije opravljajo dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja preko podružnice, ustanovljene na območju Republike Slovenije, se vpišejo v register tudi podatki o firmi in naslovu podružnice ter osebna imena in funkcije oseb, ki vodijo podružnico. Registri zavarovalno zastopniških družb in zavarovalno posredniških družb tretjih držav, ki lahko preko podružnice, ustanovljene v Republiki Sloveniji, na območju Republike Slovenije opravljajo dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja, vsebujejo naslednje podatke: firmo in naslov zavarovalno zastopniške družbe ali zavarovalno posredniške družbe, firmo in naslov podružnice, številko in datum izdanega dovoljenja ter osebna imena in funkcije oseb, ki vodijo podružnico.

(7) Osebe iz prvega odstavka tega člena, vpisane v register, Agencijo za zavarovalni nadzor obvestijo o vsaki spremembi podatkov, ki se vpisujejo v register, v osmih dneh od spremembe.

563. člen
(nadzor)

(1) Nadzor nad zavarovalnimi zastopniki in zavarovalnimi posredniki, zavarovalno zastopniškimi in zavarovalno posredniškimi družbami ter zastopniki dopolnilnih zavarovanj opravlja Agencija za zavarovalni nadzor. Nadzor nad bankami iz osmega odstavka 558. člena tega zakona opravlja Agencija za zavarovalni nadzor v sodelovanju z Banko Slovenije.

(2) Za nadzor iz prejšnjega odstavka se smiselno uporabljajo določbe tega zakona, ki veljajo za nadzor nad zavarovalnicami.

address of the insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank, the registration number, date of receipt of the notification referred to in paragraph one of Article 573 of this Act, and information on the register of insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries or banks in the Member State and on the supervisory authority in the Member State. If insurance agency companies, insurance brokerage companies and banks from Member States conduct insurance agency or insurance brokerage activities in the territory of the Republic of Slovenia through a branch established in the territory of the Republic of Slovenia, the data on the corporate name and address of the branch and the personal names and functions of the persons managing the branch shall also be entered in the register. The registers of insurance agency companies and insurance brokerage companies from third countries which may conduct insurance agency or insurance brokerage activities in the territory of the Republic of Slovenia through a branch established in the territory of the Republic of Slovenia shall include the following data: the corporate name and address of the insurance agency company or insurance brokerage company, the corporate name and address of the branch, the number and date of issue of the authorisation and the personal names and functions of the persons managing the branch.

(7) The persons referred to in paragraph one of this Article entered in the register shall notify the Insurance Supervision Agency regarding any change of data which has been entered in the register within eight days of the change occurring.

Article 563
(Supervision)

(1) Supervision of insurance agents and insurance brokers, insurance agency and insurance brokerage companies and ancillary insurance intermediaries shall be conducted by the Insurance Supervision Agency. Supervision of banks referred to in paragraph eight of Article 558 of this Act shall be conducted by the Insurance Supervision Agency in cooperation with the Bank of Slovenia.

(2) The provisions of this Act which apply to supervision of insurance undertakings shall apply *mutatis mutandis* to the supervision referred to in the preceding paragraph.

(3) Če zavarovalno zastopniška družba, zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj, ki opravlja dejavnost zavarovalnega zastopanja ali posredovanja v državi članici, krši predpise te države članice, ji oziroma mu Agencija za zavarovalni nadzor v skladu s tem zakonom izreče ustrezen ukrep nadzora, o čemer obvesti pristojni organ države gostiteljice.

(4) Kadar Agencijo za zavarovalni nadzor pristojni organ države gostiteljice, ki ugotovi, da zavarovalno zastopniška družba, zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj s sedežem v Republiki Sloveniji krši obveznosti, določene s predpisi države gostiteljice, in v skladu z drugim in tretjim odstavkom 575.a člena tega zakona ni pristojen za ukrepanje, Agencija za zavarovalni nadzor sprejme ustrezne ukrepe za odpravo kršitev, o čemer obvesti pristojni organ države gostiteljice.

(5) Tretji in četrti odstavek tega člena se smiselno uporabljajta za opravljanje poslov zavarovalnega zastopnika ali zavarovalnega posrednika v državi članici.

563.a člen
(ukrepi nadzora zaradi kršitev pri distribuciji zavarovalnih produktov)

Če zavarovalnica, zavarovalno zastopniška družba, zavarovalno posredniška družba, zavarovalni zastopnik ali zavarovalni posrednik pri distribuciji zavarovalnih produktov krši določbe 522., 524., 528.b in 528.c, 545. ali 551. člena, Agencija za zavarovalni nadzor lahko izreče naslednje ukrepe nadzora:

1. z odločbo odloči o javni objavi vrste kršitve in kršitelja, skladno z drugim odstavkom 281. člena tega zakona;

2. odredi prenehanje s kršitvijo in prepoved nadaljnje kršitve;

3. izreče odvzem dovoljenja za opravljanje poslov oziroma dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja;

(3) If an insurance agency company, insurance brokerage company or ancillary insurance intermediary which conducts insurance agency or insurance brokerage activities in a Member State violates the regulations of that Member State, the Insurance Supervision Agency shall impose an appropriate supervisory measure against that insurance agency company, insurance brokerage company or ancillary insurance intermediary pursuant to this Act and inform the competent supervisory authority of the host Member State.

(4) When the competent supervisory authority of the host Member State, which establishes that an insurance agency company, insurance brokerage company or ancillary insurance intermediary with their head office in the Republic of Slovenia violates the obligations set out by the regulations of the host Member State and which is not competent to act upon it in accordance with paragraphs two and three of Article 575a of this Act, it shall inform the Insurance Supervision Agency thereof, which shall take appropriate action to eliminate these violations and inform the competent supervisory authority of the host Member State thereof.

(5) Paragraphs three and four of this Article shall apply *mutatis mutandis* to business conducted by an insurance agent or insurance broker in a Member State.

Article 563a
(Supervisory measures due to violations related to insurance distribution)

If an insurance undertaking, insurance agency company, insurance brokerage company, insurance agent or insurance broker violates the provisions of Articles 522, 524, 528b and 528c, 545 or 551 in insurance distribution, the Insurance Supervision Agency may impose the following supervisory measures:

1. by a decision it decides on the publication of the type of violation and the entity committing the violation pursuant to paragraph two of Article 281 of this Act;
2. a decision ordering that the violation come to an end and banning further violations;
3. a decision ordering the withdrawal of authorisation to conduct insurance agency or insurance brokerage business or activities;

4. z odredbo začasno prepove članu poslovodstva zavarovalno zastopniške družbe ali zavarovalno posredniške družbe ali članu uprave zavarovalnice, v okvir katerega spada odgovornost za distribucijo zavarovalnih produktov, opravljanje te funkcije.

564. člen
(predpisi Agencije za zavarovalni nadzor)

(1) Agencija za zavarovalni nadzor predpiše podrobnejše pogoje za pridobitev in preizkus strokovnega znanja ter usposobljenosti, potrebnih za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja iz 1. točke tretjega odstavka 561. člena tega zakona, ki so predpisani ob upoštevanju posebnosti dejavnosti zavarovalnega zastopanja in zavarovalnega posredovanja, in sicer: vsebino in obseg strokovnega znanja, potrebnega za opravljanje poslov zavarovalnega zastopanja ali zavarovalnega posredovanja, način izvajanja preizkusa zahtevanega znanja, izvajalca preizkusa in način izvajanja tega javnega pooblastila pri izvajalcu preizkusa.

(2) Zahteve glede strokovnega znanja in usposobljenosti iz prejšnjega odstavka zajemajo najmanj:
1. za zavarovanja v okviru premoženjskega zavarovanja, uvrščena v zavarovalne vrste od 1. do 18. točke drugega odstavka 7. člena tega zakona, poznavanje:
   a) splošnih pogojev teh zavarovanj, vključno z dodatnimi tveganji, če jih taka zavarovanja krijejo;
   b) zakonodaje na področju distribucije zavarovalnih produktov, kot so predpisi o varstvu potrošnikov, ustrezni davčni predpisi ter predpisi o socialnem varstvu in delovnopravni predpisi;
   c) obravnavanja zahtev zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj;
   d) obravnavanja pritožb zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj;
   e) ocenjevanja potreb stranke;
   f) zavarovalnega trga;
   g) standardov poslovne etike in
   h) finančnega področja.
2. za zavarovalne naložbene produkte poznavanje:
   a) zavarovalnih naložbenih produktov, vključno s splošnimi pogoji in

4. a decision temporarily prohibiting a member of the management of an insurance agency company or insurance brokerage company or a management board member of an insurance undertaking who is responsible for insurance distribution from performing this function.

Article 564
(Regulations of the Insurance Supervision Agency)

(1) The Insurance Supervision Agency shall prescribe detailed conditions for obtaining and examining professional knowledge and competence necessary for conducting insurance agency or insurance brokerage business referred to in point 1 of paragraph three of Article 561 of this Act, which are prescribed by taking into account the specifics of insurance agency and insurance brokerage business, specifically: the content and scope of professional knowledge necessary to conduct insurance agency or insurance brokerage business, the method of carrying out tests of required professional knowledge, the provider of testing and the method of carrying out these public powers by the testing provider.

(2) Professional knowledge and competence requirements referred to in the preceding paragraph shall include at least:
1. with regard to non-life insurance classified into insurance classes referred to in points 1 to 18 of paragraph two of Article 7 of this Act, a knowledge of:
   a) general terms and conditions of policies, including ancillary risks if covered by such policies;
   b) laws governing insurance distribution, such as consumer protection regulations, relevant tax regulations and relevant social and labour law regulations;
   c) resolving claims of policyholders, insured persons and other insurance beneficiaries;
   d) resolving complaints of policyholders, insured persons and other insurance beneficiaries;
   e) assessing client needs;
   f) the insurance market;
   g) business ethics standards and
   h) the field of finance.
2. with regard to insurance-based investment products, a knowledge of:
   a) insurance-based investment products, including terms and

neto premijami ter po potrebi zajamčenimi in nezajamčenimi prejemki;
b) prednosti in slabosti posameznih naložbenih možnosti za zavarovalce;
c) finančnih tveganj, ki jih nosijo zavarovalci;
d) zavarovanj, ki krijejo življenjska tveganja, ter drugih varčevalnih produktov;
e) organizacije in prejemkov, ki jih zagotavlja pokojninski sistem;
f) zakonodaje na področju distribucije zavarovalnih produktov, kot so predpisi o varstvu potrošnikov in davčni predpisi;
g) zavarovalnega trga in trga varčevalnih produktov;
h) obravnavanja pritožb zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj;
i) ocenjevanja potreb stranke;
j) standardov poslovne etike;
k) finančnega področja ter
l) upravljanja navzkrižja interesov;

3. za zavarovanja v okviru življenjskega zavarovanja, uvrščena v zavarovalne vrste od 19. do 24. točke drugega odstavka 7. člena tega zakona, razen zavarovanj iz prejšnje točke, poznavanje:
   a) teh zavarovanj, vključno s splošnimi pogoji, zajamčenimi prejemki in po potrebi dodatnimi tveganji;
   b) organizacije in prejemkov, ki jih zagotavlja pokojninski sistem, in
   c) zavarovalnega pogodbenega prava, predpisov o varstvu potrošnikov in varstvu osebnih podatkov, predpisov o preprečevanju pranja denarja in financiranja terorizma ter po potrebi ustreznih davčnih predpisov, predpisov o socialnem varstvu in delovnopravnih predpisov.

(3) Agencija za zavarovalni nadzor predpiše podrobnejše:

1. pogoje za stalno poklicno usposabljanje iz šestega odstavka 561. člena tega zakona in postopke za izkazovanje ustreznosti stalnega poklicnega usposabljanja. Stalno poklicno usposabljanje iz šestega odstavka 561. člena tega zakona obsega vsaj 15 ur poklicnega usposabljanja ali izpolnjevanja zahtev glede poklicnega razvoja letno, pri čemer upošteva značilnosti prodajanih produktov, vrsto poslov zavarovalnega zastopanja ali zavarovalnega posredovanja, vlogo zavarovalnega zastopnika ali zavarovalnega posrednika ter aktivnosti, ki jih opravlja pri poslih zavarovalnega zastopanja ali zavarovalnega posredovanja;

conditions, net premiums and, where applicable, guaranteed and non-guaranteed benefits;
b) advantages and disadvantages of different investment options for policyholders;
c) financial risks borne by the policyholders;
d) policies covering life risks and other savings products;
e) organisation and benefits guaranteed by the pension system;
f) laws governing insurance distribution, such as consumer protection regulations and tax regulations;
g) the insurance market and the savings products market;
h) resolving complaints of policyholders, insured persons and other insurance beneficiaries;
i) assessing client needs;
j) business ethics standards;
k) the field of finance and
l) conflicts of interest management;

3. with regard to life insurance classified into insurance classes referred to in points 19 to 24 of paragraph two of Article 7 of this Act, a knowledge of:
   a) these policies, including terms and conditions, guaranteed benefits and, where applicable, ancillary risks;
   b) organisation and benefits guaranteed by the pension system and
   c) insurance contract law, consumer protection and personal data protection regulations, money laundering and terrorist financing prevention regulations and, where appropriate, relevant tax, social assistance and labour law regulations.

(3) The Insurance Supervision Agency shall prescribe in greater detail:

1. conditions for continuing vocational training referred to in paragraph six of Article 561 of this Act and procedures to establish the appropriateness of continuing vocational training. Continuing vocational training referred to in paragraph six of Article 561 of this Act shall comprise at least 15 hours of vocational training or the fulfilment of professional development requirements annually, taking into account the characteristics of the products sold, the type of insurance agency or insurance brokerage business, the role of the insurance agent or broker, and the activities performed with regard to insurance agency or insurance brokerage business;

2. pravila o načinu vodenja registrov iz 562. člena tega zakona, o podatkih, ki se vpisujejo v te registre, o načinu javnega dostopa do teh podatkov in o podrobnejši vsebini, načinu in rokih obveščanja o spremembi podatkov, ki se vpisujejo v te registre;
3. vsebino poročil iz 571. člena tega zakona ter roke in način poročanja.

564.a člen
(vložitev zahteve za izdajo dovoljenja preko spleta)

Agencija za zavarovalni nadzor vzpostavi spletni sistem v skladu z določbami Uredbe (EU) 910/2014 Evropskega parlamenta in Sveta z dne 23. julija 2014 o elektronski identifikaciji in storitvah zaupanja za elektronske transakcije na notranjem trgu in razveljavitvi Direktive 1999/93/ES, ki je enostavno dostopen in omogoča vložitev zahteve za izdajo dovoljenj iz 561. in 569. člena tega zakona neposredno na spletu vložnikom, ki uporabljajo kvalificirano potrdilo za elektronski podpis, ki je prevzeto v spletnem brskalniku.

15.3.2. Zavarovalno zastopniške in posredniške družbe

565. člen
(uporaba določb)

(1) Za zavarovalno zastopniško in posredniško družbo se uporabljajo določbe zakona, ki ureja gospodarske družbe, če ni v tem zakonu drugače določeno.

(2) Za zavarovalno zastopniško in zavarovano posredniško družbo se smiselno uporablja 560. člen tega zakona, kadar opravljata svojo dejavnost prek drugih zavarovalno zastopniških družb, zavarovalno posredniških družb, zastopnikov dopolnilnih zavarovanj ali bank.

566. člen
(pravnoorganizacijska oblika)

2. rules on the method of keeping the registers referred to in Article 562 of this Act, data entered in these registers, the method of public access to these data and on the detailed content, method and deadlines for notifying changes to data entered in these registers;
3. the content of reports referred to in Article 571 of this Act and the deadlines and method of reporting.

Article 564a
(Application for authorisation online)

The Insurance Supervision Agency shall establish an online system in accordance with the provisions of Regulation (EU) 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, which shall be easily accessible and shall allow the submission of an application for authorisation referred to in Articles 561 and 569 of this Act directly online for applicants using a qualified certificate for electronic signature installed in the web browser.

15.3.2. Insurance agency and insurance brokerage companies

Article 565
(Application of provisions)

(1) The provisions of the Act governing companies shall apply to insurance agency and insurance brokerage companies unless otherwise provided in this Act.

(2) Article 560 of this Act shall apply *mutatis mutandis* to an insurance agency and insurance brokerage company when conducting their activity through other insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries or banks.

Article 566
(Legal form)

(1) Dejavnost zavarovalnega zastopanja ali posredovanja lahko opravlja gospodarska družba ali samostojni podjetnik posameznik.

(2) Kadar se samostojni podjetnik posameznik, ki kot gospodarsko dejavnost opravlja zavarovalno zastopanje ali posredovanje, ne vpiše v sodni register, se določbe tega zakona o vpisu v sodni register smiselno uporabljajo za vpis v poslovni register. Samostojni podjetnik posameznik priloži prijavi za vpis v poslovni register tudi dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali posredovanja.

567. člen
(dejavnost)

(1) Zavarovalno zastopniška ali posredniška družba lahko opravlja samo dejavnost zavarovalnega zastopanja oziroma posredovanja.

(2) Ne glede na določbo prejšnjega odstavka lahko zavarovalno zastopniška ali posredniška družba opravlja tudi:
1. storitve kreditnega posredovanja ali storitve posredovanja investicijskih kuponov vzajemnih skladov ali drugih podobnih finančnih proizvodov, če izpolnjuje pogoje za opravljanje teh storitev, določenih z zakoni ali drugimi predpisi, ki urejajo opravljanje teh storitev;
2. storitve iz 2. do 5. točke sedmega odstavka 26. člena tega zakona.

567.a člen
(upravljanje)

(1) Poslovodna oseba zavarovalno zastopniške ali zavarovalno posredniške družbe izpolnjuje pogoje iz tretjega odstavka 561. člena tega zakona.

(2) Oseba, ki je pri zastopniku dopolnilnih zavarovanj iz četrtega odstavka 558. člena oziroma pri banki iz osmega odstavka 558. člena tega zakona imenovana za odgovorno osebo za izvajanje postopkov distribucije zavarovalnih produktov, izpolnjuje pogoje iz tretjega

(1) Insurance agency and brokerage activities may be conducted by a company or a sole trader.

(2) If a sole trader who provides insurance agency or brokerage as an economic activity is not registered in the court register, the provisions of this Act regarding entry in the court register shall apply *mutatis mutandis* concerning entry in the business register. A sole trader shall also enclose with the application for entry in the business register the authorisation to conduct insurance agency or brokerage activities.

Article 567
(Activity)

(1) An insurance agency or brokerage company may only conduct insurance agency or brokerage activities.

(2) Notwithstanding the provision of the preceding paragraph, an insurance agency or brokerage company may also conduct:
1. credit brokerage services or brokerage of investment coupons of mutual funds or other comparable financial products, if it complies with the conditions for performing such services provided by Acts or other regulations governing such services;

2. services referred to in points 2 to 5 of paragraph seven of Article 26 of this Act.

Article 567a
(Governance)

(1) The manager of an insurance agency or insurance brokerage company shall meet the conditions set out in paragraph three of Article 561 of this Act.

(2) The person of the ancillary insurance intermediary referred to in paragraph four of Article 558 or the bank referred to in paragraph eight of Article 558 of this Act who is appointed as the person responsible for the implementation of insurance distribution procedures shall meet the

odstavka 561. člena tega zakona.

568. člen
(zavarovanje odgovornosti zavarovalno posredniške družbe)

Zavarovalno posredniška družba ima zavarovano poklicno odgovornost za zavarovalno vsoto, ki ne sme biti manjša od zneska iz uredbe EU, ki predpisuje zavarovalne vsote za zavarovanje poklicne odgovornosti zavarovalnega posrednika na en odškodninski zahtevek, ali ne sme biti manjša od zneska iz uredbe EU, ki predpisuje zavarovalne vsote za zavarovanje poklicne odgovornosti zavarovalnega posrednika za vse odškodninske zahtevke skupno v enem letu. Oškodovanec je ob nastanku zavarovalnega primera upravičen uveljavljati od zavarovalnice znesek brez upoštevanja morebitne franšize, ki jo nato zavarovalnica regresira od zavarovalca.

569. člen
(dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja)

(1) Zavarovalno zastopniška ali zavarovalno posredniška družba pred vpisom ustanovitve v sodni register ali pred vpisom ustrezne spremembe dejavnosti v sodni register pridobi dovoljenje Agencije za zavarovalni nadzor za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja.

(2) Zahtevi za izdajo dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja so priloženi dokazi, iz katerih izhaja, da družba, za katero je zahteva za izdajo dovoljenja vložena, izpolnjuje pogoje, določene v 565. do 568. členu tega zakona, oziroma da zastopnik dopolnilnih zavarovanj izpolnjuje pogoje iz četrtega odstavka 558. člena in pogoj iz drugega odstavka 567.a člena tega zakona, in naslednji podatki oziroma listine:

1. akt o ustanovitvi družbe;
2. seznam oseb, ki imajo ali bodo imele ob vpisu družbe v sodni register več kot 10 % delež v kapitalu družbe, z navedbo višine deležev;

conditions set out in paragraph three of Article 561 of this Act.

Article 568
(Liability insurance of insurance brokerage company)

An insurance brokerage company shall have professional liability insurance for an insured sum, which may not be less than the amount referred to in the EU regulation prescribing the insured sums for professional liability insurance of an insurance broker per one claim or which may not be less than the amount referred to in the EU regulation prescribing the insured sums for professional liability insurance of an insurance broker for the total of all claims within one year. Upon the occurrence of an insurance event, the injured party shall be entitled to claim an amount from the insurance undertaking without taking into account any deductible, which is then subrogated by the insurance undertaking from the policyholder.

Article 569
(Authorisation to conduct insurance agency or insurance brokerage activities)

(1) An insurance agency or insurance brokerage company shall obtain authorisation to conduct insurance agency or insurance brokerage activities from the Insurance Supervision Agency before the entry of its establishment or the relevant change of activity in the court register.

(2) The application for authorisation to conduct insurance agency or insurance brokerage activities shall be accompanied by evidence showing that the company for which the application for authorisation has been submitted meets the conditions set out in Articles 565 to 568 of this Act or that the ancillary insurance intermediary meets the conditions set out in paragraph four of Article 558 and the condition set out in paragraph two of Article 567a of this Act, and the following information or documents:

1. the instrument of incorporation of the company;
2. a list of persons who hold or will hold more than 10% of the capital of the company when the company is entered in the court register, stating the amount of the shares;

3. seznam oseb, ki so tesno povezane z družbo;
4. pojasnilo, da deleži in tesne povezave iz prejšnjih dveh alinej ne bodo preprečevali izvajanja učinkovitega nadzora nad poslovanjem družbe.

(3) Agencija za zavarovalni nadzor izda dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja, če zavarovalno zastopniška družba ali zavarovalno posredniška družba izpolnjuje pogoje, določene v 565. do 568. členu tega zakona, oziroma če zastopnik dopolnilnih zavarovanj izpolnjuje pogoje iz četrtega odstavka 558. člena tega zakona in pogoj iz drugega odstavka 567.a člena tega zakona ter če deleži in tesne povezave iz prejšnjega odstavka ne bodo preprečevali izvajanja učinkovitega nadzora nad poslovanjem družbe.

(4) Agencija za zavarovalni nadzor zavrne zahtevo za izdajo dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja tudi v naslednjih primerih:
1. če je bilo družbi odvzeto dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja in od pravnomočnosti odločbe o odvzemu dovoljenja še ni preteklo pet let;
2. če je ustanovitelj družbe oseba, ki je bila družbenik, katerega delež je omogočal vpliv na delovanje družbe, ki ji je bilo odvzeto dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja in od pravnomočnosti odločbe o odvzemu dovoljenja še ni preteklo pet let, ali oseba, ki je bila zakoniti zastopnik takšne družbe kadarkoli v zadnjih dveh letih, pred odvzemom dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja;

3. če iz podatkov, ki jih ima na voljo Agencija za zavarovalni nadzor, izhaja, da bi bilo lahko zaradi dejavnosti ali poslov, ki jih družba opravlja, oziroma zaradi ravnanj, ki jih je storila, ogroženo poslovanje družbe v skladu z določbami tega zakona ali bi bilo ovirano ali oteženo izvajanje učinkovitega nadzora nad poslovanjem družbe;

4. če predpisi ali upravne določbe tretje države, ki se nanašajo na eno ali več fizičnih ali pravnih oseb, s katerimi je družba tesno povezana, ali težave pri izvajanju teh predpisov ali upravnih določb preprečujejo učinkovito izvajanje učinkovitega nadzora nad poslovanjem družbe.

3. a list of persons with close links with the company;
4. clarification that the shares and close links referred to in the preceding two indents shall not prevent effective supervision of the company's business.

(3) The Insurance Supervision Agency shall issue authorisation to conduct insurance agency or insurance brokerage activities if the insurance agency or insurance brokerage company meets the conditions set out in Articles 565 to 568 of this Act or if the ancillary insurance intermediary meets the conditions set out in paragraph four of Article 558 of this Act and the condition set out in paragraph two of Article 567a of this Act and if the shares and close links referred to in the preceding paragraph will not prevent effective supervision of the company's business.

(4) The Insurance Supervision Agency shall also reject an application for authorisation to conduct insurance agency or insurance brokerage activities in the following cases:
1. if the authorisation to conduct insurance agency or brokerage activities has been withdrawn and five years have not yet elapsed since the decision to withdraw the authorisation became final;
2. if the founder of the company is a person who was a company member whose share enabled them to influence the operation of the company from which the authorisation to conduct insurance agency or insurance brokerage activities has been withdrawn and five years have not yet elapsed since the decision to withdraw the authorisation became final, or a person who was a legal representative of such company any time in the past two years prior to the withdrawal of the authorisation to conduct insurance agency or insurance brokerage activities;
3. if it is evident from the information available to the Insurance Supervision Agency that the activities or business performed by the company, or the acts committed by it, could endanger the business of the company in accordance with the provisions of this Act or impede the effective supervision of the business of the company or make it more difficult;
4. if the regulations or administrative provisions of a third country governing one or more natural or legal persons with which the company has close links, or difficulties involved in the enforcement of those regulations or administrative provisions, prevent the effective supervision of the company.

(5) Določbe prvega do četrtega odstavka tega člena se smiselno uporabljajo tudi za mnenje Agencije za zavarovalni nadzor iz osmega odstavka 558. člena tega zakona.

570. člen
(odvzem in prenehanje veljavnosti dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja)

(1) Agencija za zavarovalni nadzor odvzame dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja, če:

1. je bilo dovoljenje pridobljeno z navajanjem neresničnih podatkov;
2. družba v postopku pregleda poslovanja podaja neresnične podatke, informacije ali poročila, ki ne izkazujejo dejanskega stanja;
3. družba ali zavarovalni zastopnik ali zavarovalni posrednik, ki dela zanjo, huje krši 545., 547., 550., 551., 553. ali 555. člen tega zakona ali sistematično huje krši dobre poslovne običaje pri opravljanju dejavnosti ali poslov zavarovalnega zastopanja ali zavarovalnega posredovanja;
4. družba krši 567. člen tega zakona;
5. zavarovalno posredniška družba nima zavarovane odgovornosti v skladu s 568. členom tega zakona;
6. družba ponavljajoče krši obveznosti poročanja in obveščanja;
7. družba pooblaščeni osebi iz prvega ali drugega odstavka 295. člena tega zakona ne omogoči pregleda poslovanja ali ovira postopek pregleda poslovanja, kot je določen v 296. do 300. členu tega zakona;
8. zavarovalni zastopnik, zavarovalni posrednik ali fizična oseba, ki za družbo opravlja posle zavarovalnega zastopanja ali zavarovalnega posredovanja, ponavljajoče krši prvi odstavek 561. člena tega zakona, pri čemer se za ponavljajočo kršitev šteje kršitev, ki jo oseba ponovno stori vsaj enkrat v dveh letih po storitvi istovrstne kršitve;
9. družba ne izpolni odredbe Agencije za zavarovalni nadzor ali jo ponovno krši po tem, ko je Agencija za zavarovalni nadzor za istovrstno kršitev v preteklosti z odločbo na podlagi prvega odstavka

(5) The provisions of paragraphs one to four of this Article shall apply *mutatis mutandis* also to the Insurance Supervision Agency's opinion referred to in paragraph eight of Article 558 of this Act.

Article 570
(Withdrawal and termination of validity of authorisation to conduct insurance agency or insurance brokerage activities)

(1) The Insurance Supervision Agency shall withdraw authorisation to conduct insurance agency or insurance brokerage activities if:

1. the authorisation was obtained by stating false information;
2. during a business review procedure, the company provides false data, information or reports that do not disclose the actual state of affairs;
3. the company or insurance agent or insurance broker working for this company seriously violates Articles 545, 547, 550, 551, 553 or 555 of this Act or if they systematically seriously violate good business practices in conducting insurance agency or insurance brokerage activities or business;
4. the company is in breach of Article 567 of this Act;
5. the insurance brokerage company fails to insure liability pursuant to Article 568 of this Act;
6. the company repeatedly violates its reporting and notifying obligations;
7. the company does not allow the authorised person referred to in paragraph one or two of Article 295 of this Act to review its business or obstructs the business review procedure as provided in Articles 296 to 300 of this Act;
8. the insurance agent, insurance broker or natural person conducting insurance agency or insurance brokerage business on behalf of the company repeatedly violates paragraph one of Article 561 of this Act, where a repeated violation shall be deemed a violation where a person recommits a violation at least once in two years after committing an identical violation;
9. the company fails to comply with an order of the Insurance Supervision Agency or violates it again after the Insurance Supervision Agency, for the same violation in the past, identified by a

305. člena tega zakona ugotovila, da so bile pretekle kršitve odpravljene, ali se je v skladu s 306. členom tega zakona za pretekle kršitve štelo, da so odpravljene;

10. je družbenik ali zakoniti zastopnik ali prokurist družbe oseba, ki je bila družbenik, katerega delež je omogočal vpliv na delovanje družbe, ali zakoniti zastopnik družbe kadarkoli v zadnjih dveh letih pred odvzemom dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja tej družbi, pri čemer je postala odločba o odvzemu dovoljenja tej družbi pravnomočna v zadnjih petih letih;

11. družba ponavljajoče krši 560. člen tega zakona;
12. družba ponavljajoče krši 567.a člen tega zakona.

(2) Za odvzem dovoljenja po prejšnjem odstavku se smiselno uporabljata 313. in 314. člen tega zakona.

(3) Za ponavljajočo se kršitev iz 6., 9., 11. in 12. točke prvega odstavka tega člena se šteje kršitev, ki jo družba znova stori vsaj enkrat v dveh letih po storitvi istovrstne kršitve.

(4) Dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja preneha veljati:

1. če družba ne začne poslovati v šestih mesecih od izdaje dovoljenja,

2. če družba preneha opravljati dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja za več kot eno leto,
3. z začetkom stečajnega postopka ali postopka prisilne likvidacije,

4. s končano redno likvidacijo,
5. z izbrisom družbe iz sodnega ali drugega ustreznega registra, razen kadar je dovoljenje prenehalo že na podlagi ene od prejšnjih točk,

6. s prejemom izjave družbe, da je prenehala z opravljanjem dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja, in dokazila o vpisu spremembe dejavnosti v sodni ali drug ustrezen register ali o sprejemu sklepa pristojnega organa, kadar tak vpis ni predviden.

(5) Družba Agencijo za zavarovalni nadzor obvesti o začetku ali

decision pursuant to paragraph one of Article 305 of this Act that the past violations were eliminated or that past violations were deemed to be eliminated pursuant to Article 306 of this Act;

10. the company member or legal representative or holder of procuration of the company is a person who was a company member whose share enabled them to influence the operation of the company or who was a legal representative of the company any time in the past two years prior to the withdrawal of authorisation to conduct insurance agency or insurance brokerage activities from this company, where the decision on the withdrawal of authorisation from this company became final in the past five years;
11. the company repeatedly violates Article 560 of this Act;
12. the company repeatedly violates Article 567a of this Act;

(2) Articles 313 and 314 of this Act shall apply *mutatis mutandis* to the withdrawal of authorisation pursuant to the preceding paragraph.

(3) A repeated violation referred to in points 6, 9, 11 and 12 of paragraph one of this Article shall be deemed a violation where the company recommits a violation at least once in two years after the same violation has been committed.

(4) Authorisation to conduct insurance agency or insurance brokerage activities shall terminate:

1. if the company does not commence its business within six months of the issuing of authorisation,
2. if the company ceases to conduct insurance agency or insurance brokerage activities for more than one year,
3. upon the initiation of bankruptcy proceedings or compulsory liquidation proceedings,
4. upon the conclusion of regular liquidation,
5. upon the deletion of the company from the court register or other applicable register, unless the authorisation already terminated on the basis of one of the preceding points,
6. upon receipt of a statement from the company that it ceased to conduct insurance agency or insurance brokerage activities and evidence of the entry of change of activities in the court register or other applicable register or of the adopted decision by the competent authority if such entry is not envisaged.

(5) The company shall notify the Insurance Supervision Agency

prenehanju opravljanja dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja.

(6) Agencija za zavarovalni nadzor redno preverja veljavnost dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja. Če nastopi razlog iz četrtega odstavka tega člena, izda Agencija za zavarovalni nadzor odločbo, s katero ugotovi, da je dovoljenje prenehalo.

(7) Odvzem dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja lahko predlagata zavarovalnica ali Slovensko zavarovalno združenje. O odvzetih dovoljenjih Agencija za zavarovalni nadzor obvesti vlagatelja predloga za odvzem dovoljenja, združenje zavarovalno zastopniških ali zavarovalno posredniških družb in Slovensko zavarovalno združenje. Slovensko zavarovalno združenje obvestilo Agencije za zavarovalni nadzor o odvzetih dovoljenjih iz prejšnjega stavka tega odstavka pošlje svojim članicam.

570.a člen
(začasna prepoved opravljanja nalog upravljanja zavarovalno zastopniške družbe ali zavarovalno posredniške družbe)

Če zavarovalno zastopniška ali zavarovalno posredniška družba ne posluje v skladu z devetim do šestnajstim odstavkom 521., četrtim do osmim odstavkom 522., prvim in drugim odstavkom 524. člena, 527.a, 528.a, 528.b, 528.c, 528.č, 528.d in 545. členom tega zakona, Agencija za zavarovalni nadzor z odredbo začasno prepove članu poslovodstva zavarovalno zastopniške ali zavarovalno posredniške družbe, v odgovornost katerega spada distribucija zavarovalnih naložbenih produktov, opravljanje nalog člana poslovodstva.

571. člen
(poročanje)

(1) Zavarovalno zastopniška družba, zavarovalno posredniška družba in zastopnik dopolnilnih zavarovanj v osmih dneh obvesti Agencijo

of the commencement or cessation of insurance agency or insurance brokerage activities.

(6) The Insurance Supervision Agency shall regularly review the validity of the authorisation to conduct insurance agency or insurance brokerage activities. Should the reason referred to in paragraph four of this Article arise, the Insurance Supervision Agency shall issue a decision establishing that authorisation has been terminated.

(7) The withdrawal of authorisation to conduct insurance agency or insurance brokerage activities may be proposed by the insurance undertaking or the Slovenian Insurance Association. The Insurance Supervision Agency shall inform the applicant submitting the proposal to withdraw the authorisation, the association of insurance agency or insurance brokerage companies and the Slovenian Insurance Association of authorisations that have been withdrawn. The Slovenian Insurance Association shall send the notification of the Insurance Supervision Agency regarding authorisations that have been withdrawn referred to in the preceding sentence to its members.

Article 570a
(Temporary ban on the exercise of management functions in an insurance agency or insurance brokerage company)

If an insurance agency or insurance brokerage company does not operate in accordance with paragraphs nine to sixteen of Article 521, paragraphs four to eight of Article 522, paragraphs one and two of Article 524, Articles 527a, 528a, 528b, 528c, 528č, 528d and 545 of this Act, the Insurance Supervision Agency shall issue an order temporarily banning a member of the management body of an insurance agency or insurance brokerage company, who is responsibility for the distribution of insurance-based investment products, from performing the duties of a member of the management body.

Article 571
(Reporting)

(1) An insurance agency company, insurance brokerage company and ancillary insurance intermediary shall, within eight days,

za zavarovalni nadzor o spremembi podatkov ali listin, predloženih na podlagi drugega odstavka 569. člena tega zakona.

(2) Zavarovalno posredniška družba Agenciji za zavarovalni nadzor poroča tudi o strukturi in obsegu posredniških poslov po zavarovalnicah, ki jih je v posameznem poslovnem letu opravila za te zavarovalnice.

571.a člen
(varovanje osebnih podatkov)

Za zavarovalnega zastopnika, zavarovalnega posrednika, zavarovalno zastopniško družbo, zavarovalno posredniško družbo in zastopnika dopolnilnih zavarovanj glede varovanja osebnih podatkov veljajo določbe Uredbe (EU) 2016/679 Evropskega parlamenta in Sveta z dne 27. aprila 2016 o varstvu posameznikov pri obdelavi osebnih podatkov in o prostem pretoku takih podatkov ter o razveljavitvi Direktive 95/46/ES (UL L št. 119 z dne 4. 5. 2016, str. 1-88) in zakona, ki ureja varstvo osebnih podatkov.

15.3.3. Opravljanje dejavnosti zavarovalnega zastopanja in posredovanja znotraj EU

572. člen
(opravljanje dejavnosti zavarovalnega zastopanja in zavarovalnega posredovanja v državi članici gostiteljici)

(1) Zavarovalno zastopniška družba, zavarovalno posredniška družba in zastopnik dopolnilnih zavarovanj lahko opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja, za katero je pridobil dovoljenje Agencije za zavarovalni nadzor, na območju države članice prek podružnice, stalnega predstavništva ali neposredno, če izpolnjuje pogoje, določene s predpisi te države članice.

(2) Oseba iz prejšnjega odstavka, ki namerava začeti opravljati dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja v državi članici gostiteljici neposredno, o tem obvesti Agencijo za zavarovalni nadzor in ji sporoči naslednje podatke:

inform the Insurance Supervision Agency of any change in the information or documents provided under paragraph two of Article 569 of this Act.

(2) An insurance brokerage company shall also report to the Insurance Supervision Agency on the structure and volume of brokerage business by insurance undertaking that was conducted on behalf of these insurance undertakings in an individual business year.

Article 571a
(Personal data protection)

The provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L No 119 of 4 May 2016, pp. 1–88) and the Act governing personal data protection shall apply to an insurance agent, insurance broker, insurance agency company, insurance brokerage company and ancillary insurance intermediary with regard to personal data protection.

15.3.3. Conducting insurance agency and brokerage activities within the EU

Article 572
(Conducting insurance agency and insurance brokerage activities in a host Member State)

(1) An insurance agency company, insurance brokerage company and ancillary insurance intermediary may conduct insurance agency or insurance brokerage activities for which it has obtained authorisation from the Insurance Supervision Agency in the territory of a Member State through a branch, permanent presence or directly if it fulfils the conditions set out by the regulations of that Member State.

(2) The person referred to in the preceding paragraph which intends to commence insurance agency or insurance brokerage activities directly in a host Member State shall inform the Insurance Supervision Agency thereof and provide it with the following information:

1. ime, naslov in številko dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali zavarovalnega posredovanja;
2. državo članico ali države članice, v kateri oziroma katerih namerava delovati;
3. vrsto osebe iz prvega odstavka tega člena in po potrebi ime zavarovalnice, ki jo zastopa;
4. po potrebi zavarovalne vrste.

(3) Agencija za zavarovalni nadzor v enem mesecu po prejemu obvestila iz prejšnjega odstavka pošlje obvestilo pristojnemu organu države članice gostiteljice. Agencija za zavarovalni nadzor pisno obvesti osebo iz drugega odstavka tega člena, da je pristojni organ države članice gostiteljice potrdil prejem obvestila.

(4) Agencija za zavarovalni nadzor zavrne zahtevo za pošiljanje obvestila iz drugega odstavka tega člena pristojnemu organu države članice gostiteljice, če ob upoštevanju obsega dejavnosti, ki jih namerava opravljati oseba iz drugega odstavka tega člena, obstaja dvom o ustreznosti organizacijske strukture ali finančnega položaja te osebe. Če Agencija za zavarovalni nadzor zahteve za pošiljanje obvestila ne zavrne v roku iz prejšnjega odstavka in ga v istem roku tudi ne pošlje, ima ta oseba pravico do sodnega varstva, kakor da je bila zahteva za pošiljanje obvestila zavrnjena.

(5) Oseba iz drugega odstavka tega člena lahko začne opravljati dejavnost v državi članici gostiteljici po prejemu obvestila Agencije za zavarovalni nadzor iz tretjega odstavka tega člena. Agencija za zavarovalni nadzor osebi iz drugega odstavka tega člena posreduje spletna naslova, kjer EIOPA objavi spletne povezave do spletnih mest pristojnih organov, kjer so objavljene informacije o predpisih o zaščiti javnih koristi in kjer Agencija za zavarovalni nadzor objavi informacije o predpisih o zaščiti javnih koristih v Republiki Sloveniji.

(6) V primeru spremembe podatkov iz drugega odstavka tega člena oseba iz drugega odstavka tega člena obvesti Agencijo za

1. the name, address and number of the authorisation to conduct insurance agency or insurance brokerage activities;
2. the Member State or Member States in which it intends to operate;
3. the type of the person referred to in paragraph one of this Article and, where necessary, the name of the insurance undertaking which it represents;
4. insurance classes, where necessary.

(3) Within one month of receiving the notification referred to in the preceding paragraph, the Insurance Supervision Agency shall send this notification to the competent authority of the host Member State. The Insurance Supervision Agency shall inform in writing the person referred to in paragraph two of this Article that the competent authority of the host Member State has confirmed receipt of the notification.

(4) The Insurance Supervision Agency shall reject the request for sending the notification referred to in paragraph two of this Article to the competent authority of the host Member State if, taking into account the scope of activity which the person referred to in paragraph two of this Article intends to commence, there is any doubt about the appropriateness of the organisational structure or financial position of that person. If the Insurance Supervision Agency does not reject the request for sending the notification within the time limit referred to in the preceding paragraph and send it within that time limit, that person shall have the right to judicial protection as if the request for sending the notification had been rejected.

(5) The person referred to in paragraph two of this Article may commence the activity in the host Member State after receiving the notification of the Insurance Supervision Agency referred to in paragraph three of this Article. The Insurance Supervision Agency shall provide the person referred to in paragraph two of this Article with internet addresses where EIOPA publishes web links to the websites of the competent authorities, where information on regulations on the protection of public interests is published and where the Insurance Supervision Agency publishes information on regulations on the protection of public interests in the Republic of Slovenia.

(6) In the case of any change in the information referred to in paragraph two of this Article, the person referred to in paragraph two of

zavarovalni nadzor o tej spremembi vsaj en mesec pred njeno uvedbo. Agencija za zavarovalni nadzor o spremembi obvesti pristojni organ države članice gostiteljice takoj, ko je to izvedljivo, oziroma najpozneje en mesec po prejemu obvestila.

(7) Oseba iz prvega odstavka tega člena, ki namerava ustanoviti podružnico ali stalno predstavništvo na ozemlju države članice gostiteljice, to sporoči Agenciji za zavarovalni nadzor in ji predloži naslednje podatke:

1. ime in naslov ter številko dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja ali posredovanja;
2. državo članico, na ozemlju katere namerava posrednik ustanoviti podružnico ali stalno predstavništvo;
3. vrsto osebe iz prvega odstavka tega člena in po potrebi ime zavarovalnice, ki jo zastopa;
4. po potrebi zavarovalne vrste;
5. naslov v državi članici gostiteljici, na katerem je mogoče pridobiti dokumente;
6. imena vseh oseb, ki so odgovorne za upravljanje podružnice ali stalnega predstavništva.

(8) Stalno predstavništvo osebe iz prvega odstavka tega člena, ki je enakovredno podružnici, se obravnava enako kot podružnica, razen če ta oseba ne vzpostavi takega stalnega predstavništva v drugi pravni obliki.

(9) Agencija za zavarovalni nadzor v enem mesecu po prejemu obvestila iz sedmega odstavka tega člena pošlje obvestilo pristojnemu organu države članice gostiteljice. Agencija za zavarovalni nadzor pisno obvesti osebo iz sedmega odstavka tega člena, da je pristojni organ države članice gostiteljice prejel obvestilo.

(10) Agencija za zavarovalni nadzor zavrne zahtevo za pošiljanje tega obvestila nadzornemu organu države članice gostiteljice, če ob upoštevanju obsega dejavnosti, ki jih namerava oseba opravljati, obstaja dvom o ustreznosti organizacijske strukture ali finančnega položaja te osebe. Če Agencija za zavarovalni nadzor zahteve za pošiljanje obvestila ne zavrne v roku iz prejšnjega odstavka in ga v istem

this Article shall inform the Insurance Supervision Agency of that change at least one month before its implementation. The Insurance Supervision Agency shall inform the competent authority of the host Member State of that change as soon as is practicable and no later than one month from the date of receipt of the notification.

(7) The person referred to in paragraph one of this Article which intends to establish a branch or permanent presence in the territory of a host Member State shall inform the Insurance Supervision Agency thereof and shall provide it with the following information:

1. the name, address and number of the authorisation to conduct insurance agency or insurance brokerage activities;
2. the Member State in the territory of which the intermediary plans to establish a branch or permanent presence;
3. the type of the person referred to in paragraph one of this Article and, where necessary, the name of the insurance undertaking which it represents;
4. insurance classes, where necessary;
5. the address in the host Member State from which documents may be obtained;
6. the names of all persons responsible for the management of the branch or permanent presence.

(8) The permanent presence of the person referred to in paragraph one of this Article that is equivalent to a branch shall be treated in the same way as a branch unless that person establishes such permanent presence in another legal form.

(9) Within one month of receiving the notification referred to in paragraph seven, the Insurance Supervision Agency shall send this notification to the competent authority of the host Member State. The Insurance Supervision Agency shall inform in writing the person referred to in paragraph two of this Article that the competent authority of the host Member State has received the notification.

(10) The Insurance Supervision Agency shall reject the request for sending that notification to the supervisory authority of the host Member State if, taking into account the scope of activity which the person intends to commence, there is any doubt about the appropriateness of the organisational structure or financial position of that person. If the Insurance Supervision Agency does not reject the request for sending the

roku tudi ne pošlje, ima ta oseba pravico do sodnega varstva, kakor da je bila zahteva za pošiljanje obvestila zavrnjena.

(11) Agencija za zavarovalni nadzor po prejemu predpisov o zaščiti javne koristi države članice gostiteljice, ki jih prejme od pristojnega organa države članice gostiteljice, te pošlje osebi iz sedmega odstavka tega člena in jo obvesti, da lahko začne poslovati v državi članici gostiteljici pod pogojem, da upošteva te predpise.

(12) Kadar oseba iz sedmega odstavka tega člena v roku iz devetega odstavka tega člena ne prejme obvestila, da je pristojni organ države članice gostiteljice prejel obvestilo, niti ji zahteva za pošiljanje obvestila ni bila zavrnjena, lahko ustanovi podružnico oziroma začne poslovati preko stalnega predstavništva.

(13) V primeru spremembe podatkov iz sedmega odstavka tega člena oseba iz sedmega odstavka tega člena obvesti Agencijo za zavarovalni nadzor o tej spremembi vsaj en mesec pred njeno uvedbo. Agencija za zavarovalni nadzor o tej spremembi obvesti pristojni organ države članice gostiteljice takoj, ko je to izvedljivo, oziroma najpozneje en mesec po prejemu obvestila.

(14) Določbe tega člena se smiselno uporabljajo za opravljanje poslov zavarovalnega zastopnika ali zavarovalnega posrednika v državi članici.

(15) Določbe tega in 575. člena tega zakona se smiselno uporabljajo za banke iz osmega odstavka 558. člena tega zakona, pri čemer je organ, pristojen za sprejem in pošiljanje obvestil iz tega člena ter za medsebojno obveščanje iz 575. člena tega zakona, Banka Slovenije.

573. člen
(zavarovalno zastopniške in zavarovalno posredniške družbe ter zastopniki dopolnilnih zavarovanj države članice)

notification within the time limit referred to in the preceding paragraph and send it within that time limit, that person shall have the right to judicial protection as if the request for sending the notification had been rejected.

(11) After receiving the regulations on the protection of public interests of the host Member State from the competent authority of the host Member State, the Insurance Supervision Agency shall send those regulations to the person referred to in paragraph seven of this Article and inform that person that it may commence its business in that host Member State only in compliance with those regulations.

(12) Where the person referred to in paragraph seven of this Article, within the time limit referred to in paragraph nine of this Article, neither receives the notification that the competent authority of the host Member State has received the notification nor was its request for sending the notification rejected, it may establish a branch or commence its business through permanent presence.

(13) In the case of any change in the information referred to in paragraph seven of this Article, the person referred to in paragraph seven of this Article shall inform the Insurance Supervision Agency of that change at least one month before its implementation. The Insurance Supervision Agency shall inform the competent authority of the host Member State of that change as soon as is practicable and no later than one month from the date of receipt of the notification.

(14) The provisions of this Article shall apply *mutatis mutandis* to business conducted by an insurance agent or insurance broker in a Member State.

(15) The provisions of this Article and Article 575 of this Act shall apply *mutatis mutandis* to the banks referred to in paragraph eight of Article 558 of this Act, the Bank of Slovenia being the body responsible for receiving and sending the notifications referred to in this Article and for mutual information under Article 575 of this Act.

Article 573
(Insurance agency and insurance brokerage companies and ancillary insurance intermediaries of a Member State)

(1) Zavarovalno zastopniška ali zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj, ki je v državi članici upravičen opravljati dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja oziroma dejavnost distribucije zavarovalnih produktov, lahko na območju Republike Slovenije opravlja to dejavnost neposredno, potem ko Agencija za zavarovalni nadzor pristojnemu organu matične države članice zavarovalno zastopniške družbe, zavarovalno posredniške družbe oziroma zastopnika dopolnilnih zavarovanj potrdi prejem obvestila iz drugega ali sedmega odstavka prejšnjega člena. Agencija za zavarovalni nadzor potrdi prejem obvestila takoj po prejemu.

(2) Zavarovalno zastopniška ali zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj, ki je v državi članici upravičen opravljati dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja oziroma dejavnost distribucije zavarovalnih produktov, lahko na območju Republike Slovenije opravlja to dejavnost prek podružnice potem, ko prejme obvestilo pristojnega organa matične države članice o predpisih o zaščiti javnih koristi iz prvega odstavka 575.b člena tega zakona in obvestilo, da lahko začne poslovati v Republiki Sloveniji pod pogojem, da upošteva te predpise. Agencija za zavarovalni nadzor v mesecu dni od prejetja obvestila iz sedmega odstavka prejšnjega člena od pristojnega organa matične države članice temu organu sporoči predpise o zaščiti javnih koristi iz prvega odstavka 575.b člena tega zakona.

(3) Za osebe iz prvega odstavka tega člena veljajo 521., 522., 524. do 527., 527.a, 528.a do 528.d., 543. do 558. člen, drugi odstavek 565. člena ter 571. in 571.a člen tega zakona glede poslov, ki jih oseba opravlja na območju Republike Slovenije.

(4) Določbe tega člena se smiselno uporabljajo za opravljanje poslov zavarovalnega zastopnika ali zavarovalnega posrednika države članice v Republiki Sloveniji.

(5) Določbe tega in 575. člena tega zakona se smiselno uporabljajo za banke držav članic.

(1) An insurance agency or insurance brokerage company or ancillary insurance intermediary that is entitled to conduct insurance agency or insurance brokerage or insurance distribution activities in a Member State may directly conduct those activities in the territory of the Republic of Slovenia after the Insurance Supervision Agency has acknowledged receipt of the notification referred to in paragraphs two and seven of the preceding Article to the competent authority of the home Member State of the insurance agency company, insurance brokerage company or ancillary insurance intermediary. The Insurance Supervision Agency shall acknowledge receipt of the notification immediately after receiving it.

(2) An insurance agency or insurance brokerage company or ancillary insurance intermediary which is entitled to conduct insurance agency or insurance brokerage or insurance distribution activities in a Member State may conduct those activities in the territory of the Republic of Slovenia through a branch after receiving notification from the competent authority of the home Member State regarding regulations on the protection of public interests referred to in paragraph one of Article 575b of this Act and the notification that it may commence its business only in compliance with those regulations. The Insurance Supervision Agency shall communicate, within one month of receipt of the notification referred to in paragraph seven of the preceding Article from the competent authority of the Member State, to that competent authority regulations on the protection of public interests referred to in paragraph one of Article 575b of this Act.

(3) Articles 521, 522, 524 to 527, 527a, 528a to 528d, 543 to 558, paragraph two of Article 565 and Articles 571 and 571a of this Act shall apply to the persons referred to in paragraph one of this Article regarding the business that the person conducts in the territory of the Republic of Slovenia.

(4) The provisions of this Article shall apply *mutatis mutandis* to business conducted by an insurance agent or insurance broker of a Member State in the Republic of Slovenia.

(5) The provisions of this Article and Article 575 shall apply *mutatis mutandis* to the banks of Member States.

573.a člen
(nadzor)

(1) Agencija za zavarovalni nadzor opravlja nadzor nad zavarovalno zastopniškimi družbami, zavarovalno posredniškimi družbami in zastopniki dopolnilnih zavarovanj iz držav članic, ki na območju Republike Slovenije opravljajo dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucijo zavarovalnih produktov. Za nadzor se uporabljajo določbe tega zakona.

(2) Prejšnji odstavek se smiselno uporablja za opravljanje poslov zavarovalnega zastopnika ali zavarovalnega posrednika države članice v Republiki Sloveniji.

573.b člen
(ukrepi nadzora)

(1) Če Agencija za zavarovalni nadzor meni, da zavarovalno zastopniška družba, zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj iz države članice, ki na območju Republike Slovenije opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucije zavarovalnih produktov, krši določbe tega zakona, o tem obvesti pristojni organ matične države članice in od njega zahteva informacije o tem, kako je oziroma bo ukrepal.

(2) Če Agencija za zavarovalni nadzor ugotovi, da zavarovalno zastopniška družba, zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj, ki opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucije zavarovalnih produktov na območju Republike Slovenije, krši katero izmed obveznosti iz tega zakona in da Agencija za zavarovalni nadzor v skladu z drugim in tretjim odstavkom 575.a člena tega zakona ni pristojna za ukrepanje, svoje ugotovitve sporoči pristojnemu organu matične države članice.

(3) Če kljub ukrepom, ki jih sprejme pristojni organ matične države članice, ali če so sprejeti ukrepi neustrezni ali pomanjkljivi, ali če ukrepi niso bili izrečeni ali izvedeni, zavarovalno zastopniška družba,

Article 573a
(Supervision)

(1) The Insurance Supervision Agency shall conduct supervision of insurance agency companies, insurance brokerage companies and ancillary insurance intermediaries from Member States which conduct insurance agency, insurance brokerage or insurance distribution business in the territory of the Republic of Slovenia. The provisions of this Act shall apply to supervision.

(2) The previous paragraph shall apply *mutatis mutandis* to business conducted by an insurance agent or insurance broker of a Member State in the Republic of Slovenia.

Article 573b
(Supervisory measures)

(1) If the Insurance Supervision Agency believes that an insurance agency company, insurance brokerage company or ancillary insurance intermediary from a Member State which carries out insurance agency or insurance brokerage or insurance distribution activity in the territory of the Republic of Slovenia has violated the provisions of this Act, it shall immediately inform the competent authority of the home Member State thereof and request from it information on the measures taken or to be taken.

(2) If the Insurance Supervision Agency establishes that an insurance agency company, insurance brokerage company or ancillary insurance intermediary which carries out insurance agency or insurance brokerage or insurance distribution activity in the territory of the Republic of Slovenia has violated any obligation under this Act and that the Insurance Supervision Agency is not competent to take action pursuant to paragraphs two and three of Article 575a of this Act, it shall communicate its findings to the competent authority of the home Member State.

(3) If despite the measures taken by the competent authority of the home Member State, or if the measures prove to be inadequate or are lacking, or if the measures failed to be imposed or implemented, an

zavarovalno posredniška družba ali zastopnik dopolnilnih zavarovanj iz države članice, ki na območju Republike Slovenije opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucije zavarovalnih produktov, s svojim delovanjem še naprej povzroča nedvomno in obsežno škodo interesom potrošnikov Republike Slovenije ali urejenemu delovanju zavarovalniških trgov, ji Agencija za zavarovalni nadzor potem, ko je o tem obvestila pristojni organ matične države članice, z odločbo prepove opravljanje dejavnosti na ozemlju Republike Slovenije.

(4) Agencija za zavarovalni nadzor lahko v skladu z 19. členom Uredbe (EU) št. 1094/2010 predloži zadevo v reševanje in mnenje EIOPI.

(5) Ne glede na prvi do tretji odstavek tega člena lahko Agencija za zavarovalni nadzor brez predhodnega obveščanja pristojnega organa matične države članice zavarovalno zastopniški družbi, zavarovalno posredniški družbi ali zastopniku dopolnilnih zavarovanj z odločbo prepove opravljanje dejavnosti na območju Republike Slovenije, če je takojšnje ukrepanje nujno za zaščito pravic potrošnikov.

(6) O izrečenih ukrepih iz tretjega in petega odstavka tega člena Agencija za zavarovalni nadzor obvesti pristojni organ matične države članice, EIOPO in Evropsko komisijo.

(7) Določbe tega člena se smiselno uporabljajo za opravljanje poslov zavarovalnega zastopnika ali zavarovalnega posrednika države članice na območju Republike Slovenije.

573.c člen
(ukrepi nadzora v zvezi s kršitvami prvega odstavka 575.b člena tega zakona)

(1) Agencija za zavarovalni nadzor zavarovalno zastopniški družbi, zavarovalni posredniški družbi ali zastopniku dopolnilnih zavarovanj iz države članice, ki na območju Republike Slovenije opravlja

insurance agency company, insurance brokerage company or ancillary insurance intermediary from a Member State which carries out insurance agency or insurance brokerage or insurance distribution activities in the territory of the Republic of Slovenia persists in acting in a manner that is clearly detrimental to the interests of consumers of the Republic of Slovenia on a large scale, or to the orderly functioning of insurance markets, the Insurance Supervision Agency shall, after informing the competent authority of the home Member State, issue a decision prohibiting that insurance agency company, insurance brokerage company or ancillary insurance intermediary from carrying out the activity within the territory in the Republic of Slovenia.

(4) Pursuant to Article 19 of Regulation (EU) No 1094/2010, the Insurance Supervision Agency may refer the matter to EIOPA for settlement and opinion.

(5) Notwithstanding paragraphs one to three of this Article, the Insurance Supervision Agency may, without prior notification of the competent authority of the home Member State, issue a decision prohibiting an insurance agency company, insurance brokerage company or ancillary insurance intermediary from carrying out its activity within the territory in the Republic of Slovenia where immediate action is necessary in order to protect the rights of consumers.

(6) The Insurance Supervision Agency shall inform the competent authority of the home Member State, EIOPA and the European Commission of the imposed measures referred to in paragraphs three and five of this Article.

(7) The provisions of this Article shall apply *mutatis mutandis* to business conducted by an insurance agent or insurance broker of a Member State within the territory of the Republic of Slovenia.

Article 573c
(Supervisory measures in relation to violations referred to in paragraph one of Article 575b of this Act)

(1) The Insurance Supervision Agency shall issue a decision to the insurance agency company, insurance brokerage company or ancillary insurance intermediary from a Member State which carries out

dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucije zavarovalnih produktov, z odredbo naloži odpravo kršitve, če krši predpise iz prvega odstavka 575.b člena tega zakona.

(2) Agencija za zavarovalni nadzor zavarovalno zastopniški družbi, zavarovalno posredniški družbi ali zastopniku dopolnilnih zavarovanj iz države članice, ki na območju Republike Slovenije opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucije zavarovalnih produktov, z odločbo prepove opravljanje dejavnosti, če ponavljajoče krši predpise iz prvega odstavka 575.b člena tega zakona, pri čemer se za ponavljajočo se kršitev šteje kršitev, ki jo družba ali zastopnik dopolnilnih zavarovanj storita vsaj enkrat v dveh letih po storitvi istovrstne kršitve.

(3) Agencija za zavarovalni nadzor zavarovalno zastopniški družbi, zavarovalno posredniški družbi ali zastopniku dopolnilnih zavarovanj iz države članice, ki na območju Republike Slovenije opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja ali distribucije zavarovalnih produktov, z odločbo prepove opravljanje dejavnosti, če je opravljanje dejavnosti te družbe v celoti ali večinoma usmerjeno na območje Republike Slovenije z izključnim namenom izogniti se pravnim določbam, ki bi se zanjo uporabljale, če bi imela sedež v Republiki Sloveniji, in če opravljanje te dejavnosti resno ogroža pravilno delovanje zavarovalnega trga v Republiki Sloveniji ob upoštevanju varstva potrošnikov.

(4) Pred izrekom ukrepa nadzora iz tega člena Agencija za zavarovalni nadzor o tem obvesti pristojni organ matične države članice. Agencija za zavarovalni nadzor lahko v skladu z 19. členom Uredbe (EU) št. 1094/2010 predloži zadevo iz prejšnjega stavka v reševanje in mnenje EIOPI.

(5) Določbe tega člena se smiselno uporabljajo za opravljanje poslov zavarovalnega zastopnika ali zavarovalnega posrednika države članice na območju Republike Slovenije.

insurance agency or insurance brokerage or insurance distribution activities within the territory of the Republic of Slovenia ordering it to eliminate the violation in the case of violating the regulations referred to in paragraph one of Article 575b of this Act.

(2) The Insurance Supervision Agency shall issue a decision to the insurance agency company, insurance brokerage company or ancillary insurance intermediary from a Member State which carries out insurance agency or insurance brokerage or insurance distribution activities within the territory of the Republic of Slovenia prohibiting it from carrying out the activity in the case of repeated violation of the regulations referred to in paragraph one of Article 575b of this Act, with respect to which a repeated violation shall be deemed a violation committed by a company or ancillary insurance intermediary at least once within two years after the same violation has been committed.

(3) The Insurance Supervision Agency shall issue a decision to the insurance agency company, insurance brokerage company or ancillary insurance intermediary from a Member State which carries out insurance agency or insurance brokerage or insurance distribution activities within the territory of the Republic of Slovenia prohibiting it from carrying out the activity where the relevant activity is entirely or principally directed towards the territory of the Republic of Slovenia with the sole purpose of avoiding the legal provisions which would be applicable if that insurance agency company, insurance brokerage company or ancillary insurance intermediary had its head office in the Republic of Slovenia and where its activity seriously endangers the proper functioning of the insurance market in the Republic of Slovenia with respect to the protection of consumers.

(4) Prior to imposing a supervisory measure referred to in this Article, the Insurance Supervision Agency shall inform the competent authority of the home Member State thereof. Pursuant to Article 19 of Regulation (EU) No 1094/2010, the Insurance Supervision Agency may refer the matter referred to in the preceding sentence to EIOPA for settlement and opinion.

(5) The provisions of this Article shall apply *mutatis mutandis* to business conducted by an insurance agent or insurance broker of a Member State within the territory of the Republic of Slovenia.

574. člen
(črtan)

575. člen
(medsebojno sodelovanje, obveščanje in izmenjava informacij nadzornih organov)

(1) Za potrebe opravljanja nadzora nad spoštovanjem določb tega zakona, na njegovi podlagi izdanih predpisov in drugih zavezujočih predpisov, Agencija za zavarovalni nadzor s pristojnimi organi drugih držav članic sodeluje in izmenjuje informacije, ki se nanašajo na distributerje zavarovalnih produktov, glede:

1. opravljanja storitev distribucije,
2. izpolnjevanja pogojev za opravljanje poslov oziroma dejavnosti zavarovalnega zastopanja oziroma posredovanja,
3. izpolnjevanja obveznosti v zvezi s posredovanjem informacij in organizacijo poslovanja,
4. izpolnjevanja obveznosti v zvezi s postopki odobritve produkta,
5. izpolnjevanja obveznosti v zvezi z distribucijo zavarovalnih naložbenih produktov.

(2) Za preverjanje izpolnjevanja pogojev za opravljanje poslov zavarovalnega zastopanja oziroma zavarovalnega posredovanja v postopku izdaje dovoljenja in kasneje, kadar nastopijo okoliščine, ki lahko vplivajo na izpolnjevanje pogojev za opravljanje poslov zavarovalnega zastopanja oziroma zavarovalnega posredovanja, Agencija za zavarovalni nadzor s pristojnimi organi drugih držav članic izmenjuje informacije o zavarovalnih zastopnikih oziroma zavarovalnih posrednikih oziroma vložnikih zahtev za izdajo dovoljenja, ki se nanašajo na njihov ugled, strokovno znanje in usposobljenost.

(3) Agencija za zavarovalni nadzor s pristojnimi organi drugih držav članic izmenjuje informacije o distributerjih zavarovalnih produktov, kadar jim je bil izrečen ukrep nadzora ali naložena globa zaradi kršitev tega zakona, na njegovi podlagi izdanih predpisov in drugih zavezujočih predpisov s področij iz prvega odstavka tega člena, ali kadar je bilo osebi odvzeto dovoljenje za opravljanje poslov oziroma dejavnosti zavarovalnega zastopanja oziroma zavarovalnega posredovanja, in sicer:

Article 574
(Deleted)

Article 575
(Mutual cooperation, notification and exchange of information of supervisory authorities)

(1) For the purposes of supervising compliance with the provisions of this Act, regulations issued on its basis and other binding regulations, the Insurance Supervision Agency shall cooperate with, and exchange information relating to insurance distributors, with the competent authorities of other Member States regarding:

1. the provision of distribution services,
2. meeting the conditions to conduct insurance agency or brokerage business or activities,
3. meeting the obligations relating to the provision of information and business organisation,
4. meeting the obligations relating to the product approval processes,
5. meeting the obligations relating to the distribution of insurance-based investment products.

(2) In order to check the fulfilment of conditions for conducting insurance agency or insurance brokerage business in the process of issuing authorisation, and subsequently when circumstances arise that may affect the fulfilment of conditions for conducting insurance agency or insurance brokerage business, the Insurance Supervision Agency and the competent authorities of other Member States shall exchange information on insurance agents or insurance brokers or applicants for authorisation which relates to their reputation, professional knowledge and competence.

(3) The Insurance Supervision Agency and the competent authorities of other Member States shall exchange information on insurance distributors when they were subject to a supervisory measure or fine due to violations of this Act, regulations issued on its basis and other binding regulations relating to the fields referred to in paragraph one of this Article, or when a person's authorisation to conduct insurance agency or insurance brokerage business or activities has been withdrawn,

1. osebno ime in naslov ali firmo in sedež,
2. vrsto izrečenega ukrepa in morebitnih naloženih dodatnih ukrepov,
3. informacijo, ali je bila izrečena globa oziroma druga prekrškovna sankcija.

(4) Agencija za zavarovalni nadzor EIOPI sporoči podatke o zavarovalnih zastopnikih, zavarovalnih posrednikih, zavarovalno zastopniških družbah, zavarovalno posredniških družbah, zastopnikih dopolnilnih zavarovanj in bankah iz osmega odstavka 558. člena tega zakona, ki so sporočile namero za čezmejno poslovanje v skladu s 572. členom tega zakona, in sicer na način, da ji istočasno posreduje obvestilo, ki ga po tretjem odstavku 572. člena tega zakona posreduje nadzornemu organu države članice. Agencija za zavarovalni nadzor na svojih spletnih straneh vzpostavi povezavo z enotnim elektronskim registrom EIOPE zavarovalnih zastopnikov, zavarovalnih posrednikov, zavarovalno zastopniških družb, zavarovalno posredniških družb, zastopnikov dopolnilnih zavarovanj in bank, ki lahko opravljajo posle ali dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja.

(5) Agencija za zavarovalni nadzor ima pravico spreminjati podatke v registru iz prejšnjega odstavka, če se spremenijo podatki, ki se vodijo v navedenem registru. Posameznike, katerih osebni podatki so shranjeni v registru iz prejšnjega odstavka in katerih osebni podatki se izmenjujejo, Agencija za zavarovalni nadzor z obvestilom, ki jim ga pošlje na podlagi trinajstega odstavka v povezavi v tretjim odstavkom 572. člena tega zakona, obvesti tudi, da imajo pravico dostopati do tako shranjenih podatkov.

(6) Agencija za zavarovalni nadzor obvesti Evropsko komisijo o vseh splošnih težavah, s katerimi se srečujejo zavarovalni zastopniki, zavarovalni posredniki, zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopniki dopolnilnih zavarovanj in banke iz osmega odstavka 558. člena tega zakona pri ustanavljanju ali pri opravljanju distribucije zavarovalnih produktov v tretji državi.

575.a člen
(razdelitev pristojnosti med matično državo članico in državo članico gostiteljico)

specifically the following:
1. personal name and address or corporate name and head office,
2. the type of imposed measure and any additional measures imposed,
3. information whether a fine or other sanction has been imposed.

(4) The Insurance Supervision Agency shall communicate to EIOPA data on insurance agents, insurance brokers, insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries and banks referred to in paragraph eight of Article 558 of this Act which have notified their intention to carry on transboundary business pursuant to Article 572 of this Act by sending it at the same time the notification sent to the supervisory authority of a Member State in accordance with paragraph three of Article 572. The Insurance Supervision Agency shall establish on its website a link to EIOPA's single electronic register of insurance agents, insurance brokers, insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries and banks which may carry out insurance agency or insurance brokerage business or activities.

(5) The Insurance Supervision Agency shall have the right to modify the data in the register referred to in the preceding paragraph in the event of any change in the data kept in that register. The Insurance Supervision Agency shall inform the data subjects whose personal details are stored on the register referred to in the preceding paragraph, and exchanged, of their right to access such stored data by sending them a notification in accordance with paragraph thirteen in conjunction with paragraph three of Article 572 of this Act.

(6) The Insurance Supervision Agency shall notify the European Commission of any difficulties encountered by insurance agents, insurance brokers, insurance agency companies, insurance brokerage companies, ancillary insurance intermediaries and banks referred to in paragraph eight of Article 558 of this Act in establishing themselves or carrying out insurance distribution in third countries.

Article 575a
(Division of competence between home and host Member States)

(1) Če je primarni kraj poslovanja zavarovalno zastopniške družbe, zavarovalno posredniške družbe, zastopnika dopolnilnih zavarovanj ali banke, ki opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja v drugi državi članici, se lahko Agencija za zavarovalni nadzor dogovori s pristojnim organom te druge države članice, da ukrepa namesto Agencije za zavarovalni nadzor v zvezi s 50. členom, 3. točko prvega odstavka 63. člena, 280.a členom, tretjim do šestim odstavkom 281. člena, 2. točko prvega odstavka in četrtim odstavkom 289. člena, tretjim odstavkom 291. člena, 427. členom, drugim odstavkom 456. člena, 463. in 507. členom, devetim do šestnajstim odstavkom 521. člena, 522. členom, prvim in drugim odstavkom 524. člena, 528.a do 528.d členom, 545. in 546. členom, četrtim odstavkom 551. člena, drugim odstavkom 552. člena, 558., 560., 561. in 563. členom, prvim in drugim odstavkom 564. člena, 565. členom, 567.a in 568. členom, prvim do tretjim odstavkom 574. člena ter 579. in 623. členom tega zakona. V primeru dogovora Agencije za zavarovalni nadzor s pristojnim organom druge države članice iz tega odstavka, Agencija za zavarovalni nadzor o tem nemudoma obvesti zavarovalno zastopniško družbo, zavarovalno posredniško družbo, zastopnika dopolnilnih zavarovanj ali banko, ki opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja v drugi državi članici, in EIOPA.

(2) Kadar je Agencija za zavarovalni nadzor v vlogi pristojnega organa države gostiteljice, je odgovorna za zagotavljanje, da so storitve, ki jih oseba iz prejšnjega odstavka opravlja na ozemlju Republike Slovenije, v skladu z obveznostmi iz devetega do šestnajstega odstavka 521. člena, 522. člena, prvega in drugega odstavka 524. člena, prvega odstavka 527.a člena, 528.a do 528.d člena in 545. člena tega zakona.

(3) Kadar je Agencija za zavarovalni nadzor v vlogi pristojnega organa države gostiteljice, ima pravico, da opravlja nadzor nad osebo iz prvega odstavka tega člena in izreka ukrepe nadzora, ki so potrebni, da se Agenciji za zavarovalni nadzor omogoči izvajanje obveznosti iz prejšnjega odstavka v zvezi s storitvami, ki jih oseba iz prvega odstavka tega člena opravlja na ozemlju Republike Slovenije.

(1) If the primary place of business of an insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank which carries out insurance agency or insurance brokerage business is located in another Member State, the Insurance Supervision Agency may agree with the competent authority of that other Member State to act in place of the Insurance Supervision Agency with regard to Article 50, point 3 of paragraph one of Article 63, Article 280a, paragraphs three to six of Article 281, point 2 of paragraph one and paragraph four of Article 289, paragraph three of Article 291, Article 427, paragraph two of Article 456, Articles 463 and 507, paragraphs nine to sixteen of Article 521, Article 522, paragraphs one and two of Article 524, Articles 528a to 528d, Articles 545 and 546, paragraph four of Article 551, paragraph two of Article 552, Articles 558, 560, 561 and 563, paragraphs one and two of Article 564, Articles 565, 567a and 568, paragraphs one to three of Article 574 and Articles 579 and 623 of this Act. In the event of an agreement between the Insurance Supervision Agency and the competent authority of another Member State referred to in this paragraph, the Insurance Supervision Agency shall immediately inform the insurance agency company, insurance brokerage company, ancillary insurance intermediary or bank which conducts insurance agency or insurance brokerage business in another Member State and EIOPA thereof.

(2) Where the Insurance Supervision Agency plays the role of the host Member State competent authority, it shall have responsibility for ensuring that the services provided by the person referred to in the preceding paragraph within the territory of the Republic of Slovenia comply with the obligations set out in paragraphs nine to sixteen of Article 521, Article 522, paragraphs one and two of Article 524, paragraph one of Article 527a, Articles 528a to 528d and Article 545 of this Act.

(3) Where the Insurance Supervision Agency plays the role of the host Member State competent authority, it shall have the right to carry out supervision of the person referred to in paragraph one of this Article and to impose supervisory measures required to allow the Insurance Supervision Agency to perform the obligations referred to in the preceding paragraph regarding the services provided by the person referred to in paragraph one of this Article within the territory of the Republic of Slovenia.

575.b člen
(objava predpisov o zaščiti javnih koristi)

(1) Agencija za zavarovalni nadzor objavi predpise o zaščiti javnih koristi, ki veljajo za opravljanje distribucije zavarovalnih produktov na ozemlju Republike Slovenije.

(2) Agencija za zavarovalni nadzor redno posodablja informacije o predpisih o zaščiti javnih koristi v Republiki Sloveniji.

(3) Agencija za zavarovalni nadzor vzpostavi kontaktno točko, kjer so zagotovljene informacije o predpisih o zaščiti javnih koristi v Republiki Sloveniji.

15.3.4. Zavarovalno zastopniške in zavarovalno posredniške družbe tretjih držav

576. člen
(podružnica zavarovalno zastopniške družbe ali zavarovalno posredniške družbe tretje države)

(1) Zavarovalno zastopniška ali zavarovalno posredniška družba tretje države lahko na območju Republike Slovenije opravlja dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja samo prek podružnice.

(2) Za zavarovalno zastopniško ali zavarovalno posredniško družbo tretje države, ki je na območju Republike Slovenije ustanovila podružnico, veljajo določbe 521., 522., 524., 527.a, 528.a do 528.d in 543. do 571.a člena tega zakona.

577. člen
(dovoljenje za ustanovitev podružnice)

Za dovoljenje za ustanovitev podružnice iz prvega odstavka prejšnjega člena in odvzem tega dovoljenja se smiselno uporabljajo

Article 575b
(Publication of regulations on the protection of public interests)

(1) The Insurance Supervision Agency shall publish regulations on the protection of public interests that apply to carrying out insurance distribution within the territory of the Republic of Slovenia.

(2) The Insurance Supervision Agency shall regularly update information regarding regulations on the protection of public interests in the Republic of Slovenia.

(3) The Insurance Supervision Agency shall establish a point of contact for providing information regarding regulations on the protection of public interests in the Republic of Slovenia.

15.3.4. Insurance agencies and insurance brokerage companies of third countries

Article 576
(Branch of an insurance agency or insurance brokerage company from a third country)

(1) An insurance agency or insurance brokerage company from a third country may carry out insurance agency or insurance brokerage activities in the territory of the Republic of Slovenia only through a branch.

(2) The provisions of Articles 521, 522, 524, 527a, 528a to 528d and 543 to 571a of this Act shall apply to an insurance agency or insurance brokerage company from a third country which has established a branch in the territory of the Republic of Slovenia.

Article 577
(Authorisation to establish a branch)

The provisions of paragraph one of Articles 37, 138, 569 and 570 of this Act shall apply, *mutatis mutandis*, to authorisation to establish

določbe prvega odstavka 37. člena, 138., 569. in 570. člena tega zakona.

16. poglavje:

SLOVENSKO ZAVAROVALNO ZDRUŽENJE IN REŠEVANJE SPOROV MED PONUDNIKI STORITEV IN POTROŠNIKI

578. člen
(Slovensko zavarovalno združenje)

(1) Zavarovalnice in pozavarovalnice, ki lahko na ozemlju Republike Slovenije opravljajo zavarovalne posle, ter druge družbe in organizacije se lahko združujejo v Slovensko zavarovalno združenje.

(2) Za Slovensko zavarovalno združenje se uporabljajo določbe zakona, ki ureja gospodarske družbe, o gospodarskem interesnem združenju, če ni v tem členu drugače določeno.

(3) Slovensko zavarovalno združenje:

1. opravlja posle, predvidene s sprejetimi mednarodnimi sporazumi o zavarovanju lastnikov vozil proti odgovornosti (zelena karta) in predstavlja zavarovalnice v mednarodnih organizacijah zavarovalnic v zvezi s temi posli;
2. sprejema zavarovalne statistične standarde;
3. opravlja naloge v zvezi s škodnim skladom za:
   - izplačilo škod, ki jih povzročijo vozniki neznanih in nezavarovanih vozil ter nezavarovanih zrakoplovov oziroma drugih letalnih naprav in nezavarovanih čolnov,
   - izplačilo odškodnin potnikom v javnem prometu, če lastnik javnega prometnega sredstva ni sklenil zavarovalne pogodbe,
   - izplačilo odškodnin iz naslova obveznih zavarovanj v prometu v primeru, ko je bil uveden stečajni postopek nad zavarovalnico;
4. opravlja naloge skupnega pomena za zavarovalnice, določene v pogodbi o ustanovitvi oziroma statutu, oziroma za katere ga

a branch referred to in paragraph one of the preceding Article and regarding its withdrawal.

Chapter Sixteen

SLOVENIAN INSURANCE ASSOCIATION AND DISPUTE RESOLUTION BETWEEN SERVICE PROVIDERS AND CONSUMERS

Article 578
(Slovenian Insurance Association)

(1) Insurance and reinsurance undertakings which may conduct insurance business in the territory of the Republic of Slovenia and other companies and organisations may organise themselves into the Slovenian Insurance Association.

(2) The provisions of the Act governing companies regarding economic interest groupings shall apply to the Slovenian Insurance Association, unless otherwise provided in this Article.

(3) The Slovenian Insurance Association shall:

1. conduct business envisaged by adopted international agreements on insuring the civil liability of owners of motor vehicles (Green Card) and represent insurance undertakings in international organisations of insurance undertakings in respect of this business;
2. adopt insurance statistical standards;
3. perform tasks relating to the guarantee fund for:
   - the payment of damages caused by drivers of unknown and uninsured vehicles and uninsured aircraft or other flying machines and uninsured boats,
   - the payment of compensation for damages to passengers in public transport, if the owner of the public transport failed to conclude an insurance contract,
   - the payment of compensation for damages arising from compulsory insurance in transport in the case where bankruptcy proceedings are initiated against an insurance undertaking;
4. perform tasks of mutual significance for insurance undertakings laid down in the instrument of incorporation or articles of association, or

pooblastijo članice;
5. opravlja naloge v zvezi z informacijskim centrom in odškodninskim uradom po zakonu, ki ureja obvezna zavarovanja v prometu.

(4) Slovensko zavarovalno združenje organizira izobraževanje ter opravlja preizkuse strokovnega znanja za opravljanje poslov zavarovalnega zastopanja ali posredovanja iz 1. točke tretjega odstavka 561. člena tega zakona.

(5) Za opravljanje poslov Slovenskega zavarovalnega združenja iz 3. točke tretjega odstavka tega člena v zvezi s škodnim skladom in 5. točke tretjega odstavka tega člena v zvezi z odškodninskim uradom se smiselno uporabljajo prvi odstavek 246. člena, 4.4. in 4.8. oddelka ter 5. in 7. poglavje tega zakona.

(6) V primeru iz četrtega odstavka tega člena se za nadzor nad organiziranjem izobraževanj in opravljanjem preizkusov znanja smiselno uporabljajo 271., 272., 277., 293., 302. in 304. člen tega zakona.

(7) Kadar je Slovenskemu zavarovalnemu združenju izrečen ukrep nadzora, Agenciji za zavarovalni nadzor plača pavšalno nadomestilo stroškov postopka, kot je določeno v tarifi Agencije za zavarovalni nadzor.

579. člen
(reševanje sporov med ponudniki storitev in potrošniki)

(1) Zavarovalnica, zavarovalno zastopniška družba, zavarovalno posredniška družba in zastopnik dopolnilnih zavarovanj vzpostavijo notranji postopek reševanja pritožb zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj ter združenj potrošnikov. V vseh primerih je treba pritožnikom odgovoriti.

(2) Zavarovalnica zagotovi ustrezen in učinkovit postopek izvensodnega reševanja sporov z zavarovalci, zavarovanci in drugimi upravičenci iz zavarovanj ter združenji potrošnikov pred nepristranskim in neodvisnim izvajalcem izvensodnega reševanja sporov, ki izpolnjuje

which are subject to authorisation by members;
5. perform tasks relating to the information centre and the compensation body, pursuant to the Act governing compulsory insurance in transport.

(4) The Slovenian Insurance Association shall organise training and conduct exams on the professional competence required to conduct insurance agency or brokerage business referred to in point 1 of paragraph three of Article 561 of this Act.

(5) In regard to conducting business of the Slovenian Insurance Association referred to in point 3 of paragraph three of this Article with regard to the guarantee fund and point 5 of paragraph three of this Article with regard to the compensation body, paragraph one of Article 246, Sections 4.4. and 4.8. and Chapters Five and Seven of this Act shall apply *mutatis mutandis*.

(6) In the case referred to in paragraph four of this Article, Articles 271, 272, 277, 293, 302 and 304 of this Act shall apply *mutatis mutandis* to the supervision of the organisation of training and conducting exams on professional competence.

(7) Where a supervisory measure is imposed on the Slovenian Insurance Association, it shall pay to the Insurance Supervision Agency lump-sum compensation of costs of the procedure, as laid down in the tariff of the Insurance Supervision Agency.

Article 579
(Dispute resolution between service providers and consumers)

(1) An insurance undertaking, insurance agency company, insurance brokerage company and ancillary insurance intermediary shall establish an internal procedure for resolving complaints of policyholders, insured persons and other insurance beneficiaries and consumer associations. Complainants shall receive a reply in all cases.

(2) An insurance undertaking shall provide an appropriate and effective out-of-court settlement of dispute procedure with policyholders, insured persons and other insurance beneficiaries and consumer associations with an impartial and independent provider of out-of-court

pogoje in zagotavlja postopek v skladu z zakonom, ki ureja izvensodno reševanje sporov. Zavarovalci, zavarovanci, drugi upravičenci iz zavarovanj in združenja potrošnikov mu lahko pošljejo pobudo za začetek postopka, če se pritožbi iz prejšnjega odstavka ne ugodi ali o njej ne odloči v 30 dneh po njenem prejemu.

(3) Zavarovalnica v zavarovalnih pogojih objavi informacijo o notranjem postopku reševanja pritožb zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj ter združenj potrošnikov in o izvajalcu izvensodnega reševanja sporov.

(4) Zavarovalno zastopniška družba, zavarovalno posredniška družba in zastopnik dopolnilnih zavarovanj objavijo informacijo o notranjem postopku reševanja pritožb zavarovalcev, zavarovancev in drugih upravičencev iz zavarovanj ter združenj potrošnikov na svoji spletni strani in na vidnem mestu v vseh poslovnih prostorih, v katerih poslujejo s strankami.

17. poglavje:

POSLOVANJE PRVEGA POKOJNINSKEGA SKLADA IN PRAVILA ZA POSLOVANJE ZAVAROVALNIC, KI UPRAVLJAJO POKOJNINSKE SKLADE KOT KRITNE SKLADE ALI VZAJEMNE POKOJNINSKE SKLADE

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settlement of disputes that meets the conditions and ensures the procedure in accordance with the Act governing out-of-court settlement of disputes. Policyholders, insured persons and other insurance beneficiaries and consumer associations may submit to the provider of out-of-court settlement of disputes a proposal to initiate the procedure if the complaint referred to in the preceding paragraph is not granted or a decision on the complaint has not been made within 30 days of its receipt.

(3) An insurance undertaking shall publish information in its terms and conditions of insurance on the internal procedure for resolving complaints of policyholders, insured persons and other insurance beneficiaries and consumer associations and on the provider of out-of-court settlement of disputes.

(4) An insurance agency company, insurance brokerage company and ancillary insurance intermediary shall publish information on the internal procedure for resolving complaints of policyholders, insured persons and other insurance beneficiaries and consumer associations on its website and in a visible place in all its business premises in which it conducts business with its clients.

Chapter Seventeen

BUSINESS OF THE FIRST PENSION FUND AND RULES ON THE BUSINESS OF INSURANCE UNDERTAKINGS MANAGING PENSION FUNDS AS PENSION LIABILITY FUNDS OR MUTUAL PENSION FUNDS

Article 580
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606. člen
(Prvi pokojninski sklad Republike Slovenije)

(1) Zavarovalnica, ki upravlja prvi pokojninski sklad Republike Slovenije (v nadaljnjem besedilu: prvi pokojninski sklad), ki je bil oblikovan na podlagi Zakona o prvem pokojninskem skladu Republike Slovenije in preoblikovanju pooblaščenih investicijskih družb (Uradni list RS, št. 26/05 – uradno prečiščeno besedilo, 85/09 in 32/16; v nadaljnjem besedilu: ZPSPID), izračunava matematične rezervacije v skladu z določbami zakona, ki ureja pokojninsko in invalidsko zavarovanje.

(2) Zavarovalnica, ki upravlja Prvi pokojninski sklad, za celotno premoženje in vse obveznosti Prvega pokojninskega sklada vzpostavi ločeno obračunsko enoto, ki jo upravlja in organizira ločeno od druge dejavnosti zavarovalnice brez možnosti prenosa, razen v primeru, določenem v šestem odstavku 21. člena ZPSPID, za:

- premoženje, ki pripada pogodbam dodatnega pokojninskega zavarovanja Prvega pokojninskega sklada v obdobju, preden zavarovanci izpolnijo pogoje za pridobitev pravice do mesečne pokojninske rente iz 1. točke prvega odstavka 21. člena ZPSPID (v nadaljnjem besedilu: Prvi pokojninski sklad v času varčevanja), in
- kritni sklad Prvega pokojninskega sklada iz 2. točke prvega odstavka 21. člena ZPSPID (v nadaljnjem besedilu: kritni sklad Prvega pokojninskega sklada).

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Article 606
(First Pension Fund of the Republic of Slovenia)

(1) The insurance undertaking which manages the First Pension Fund of the Republic of Slovenia (hereinafter: First Pension Fund) established pursuant to the First Pension Fund of the Republic of Slovenia and Transformation of Authorised Investment Corporations Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 26/05 – official consolidated version, 85/09 and 32/16; hereinafter: the ZPSPID) shall calculate mathematical provisions in accordance with the provisions of the act governing pension and disability insurance.

(2) The insurance undertaking which manages the First Pension Fund shall, for the totality of assets and liabilities of the First Pension Fund set up a separate accounting unit which is managed and organised separately from other activities of the insurance undertaking without any possibility of transfer, except in the case laid down in paragraph six of Article 21 of the ZPSPID for:

- assets belonging to supplementary pension insurance contracts of the First Pension Fund during the period prior to the fulfilment of conditions by insured persons to acquire the right to a monthly pension annuity referred to in point 1 of paragraph one of Article 21 of ZPSPID (hereinafter: First Pension Fund in a savings period), and
- a pension liability fund of the First Pension Fund referred to in point 2 of paragraph one of Article 21 of the ZPSPID (hereinafter: pension liability fund of the First Pension Fund).

(3) Za potrebe ugotavljanja kapitalskih zahtev in izkazovanja kapitalske ustreznosti zavarovalnica, ki upravlja Prvi pokojninski sklad, vrednoti pravice iz pogodb dodatnega pokojninskega zavarovanja Prvega pokojninskega sklada iz 32. člena ZPSPID in sredstva iz prejšnjega odstavka v skladu z določbami tega zakona ter izračunava in ugotavlja kapitalske zahteve za Prvi pokojninski sklad v času varčevanja v skladu s 608. členom tega zakona oziroma v skladu s 607. členom tega zakona za kritni sklad Prvega pokojninskega sklada.

(4) Zavarovalnica, ki upravlja Prvi pokojninski sklad, v poročila, ki so za zavarovalnice predpisana z delegiranimi akti in regulativnimi tehnični standardi, izdanimi na podlagi Direktive 2009/138/ES, vključi tudi podatke, ki se nanašajo na Prvi pokojninski sklad.

(5) Zavarovalnica, ki upravlja Prvi pokojninski sklad, pošlje obrazce, ki so predpisani v pravilniku, ki ureja izračun matematičnih rezervacij, Agenciji za zavarovalni nadzor v elektronski obliki.

(6) Za naložbe prvega pokojninskega sklada se glede naložb kritnih skladov za izplačevanje pokojninskih rent uporabljajo določbe zakona, ki ureja pokojninsko in invalidsko zavarovanje, pri čemer:

- so dopustne tudi naložbe v poslovne deleže gospodarskih družb s sedežem v Republiki Sloveniji, in sicer z omejitvijo do največ 5 % zavarovalno-tehničnih rezervacij;
- so lahko presežene omejitve posameznih naložb iz zakona, ki ureja pokojninsko in invalidsko zavarovanje, če so bile te omejitve v zvezi s posamezno naložbo presežene že na dan uveljavitve tega zakona, če po uveljavitvi tega zakona ni prišlo do dodatne pridobitve te naložbe in je sklad sposoben poravnati vse svoje obveznosti.

(7) Za naložbe kritnega sklada prvega pokojninskega sklada se uporabljajo določbe oddelka 4.12. tega zakona, ki ureja naložbe zavarovalnice.

(3) For the purpose of determining capital requirements and confirming capital adequacy, the insurance undertaking which manages the First Pension Fund shall evaluate the rights under supplementary pension insurance contracts of the First Pension Fund referred to in Article 32 of the ZPSPID and assets referred to in the preceding paragraph pursuant to the provisions of this Act, and calculate and determine capital requirements of the First Pension Fund in a savings period pursuant to Article 608 of this Act or for the pension liability fund of the First Pension Fund pursuant to Article 607 of this Act.

(4) The insurance undertaking which manages the First Pension Fund shall include in reports prescribed for insurance undertakings by delegated acts and regulatory technical standards issued on the basis of Directive 2009/138/EC, data referring to the First Pension Fund.

(5) The insurance undertaking which manages the First Pension Fund shall provide forms prescribed in the rules governing calculating of mathematical provisions in electronic form to the Insurance Supervision Agency.

(6) The provisions of the act governing pension and disability insurance shall apply to the investments of the First Pension Fund as regards investments of pension liability funds for paying out pension annuities, whereby:

- investments in shareholdings of companies with their head office in the Republic of Slovenia shall also be allowed, up to a limit of maximum 5% of technical provisions;
- the limits of individual investments referred to in the act governing pension and disability insurance may be exceeded if these limits have already been exceeded in relation to an individual investment as of the day this Act enters into force if, after the entry into force of this Act, no additional acquisition of such investment has occurred and the fund is able to settle all its obligations.

(7) The provisions of Section 4.12. of this Act which govern investments of an insurance undertaking shall apply to the investments of the pension liability fund of the First Pension Fund.

607. člen
(zavarovalnica, ki upravlja pokojninski sklad, oblikovan kot kritni sklad)

(1) Zavarovalnica za potrebe ugotavljanja kapitalske ustreznosti zavarovalnice vrednoti sredstva in obveznosti iz pogodb dodatnega pokojninskega zavarovanja pokojninskega sklada, oblikovanega kot kritni sklad, v skladu z določbami tega zakona, ki veljajo za zavarovalnice.

(2) Agencija za zavarovalni nadzor predpiše podrobnejša pravila za ugotavljanje kapitalske ustreznosti za pokojninske sklade, oblikovane kot kritni sklad.

608. člen
(zavarovalnica, ki upravlja pokojninski sklad, oblikovan kot vzajemni pokojninski sklad ali krovni vzajemni pokojninski sklad)

(1) Če je zavarovalnica upravljavec vzajemnega pokojninskega sklada oziroma krovnega vzajemnega pokojninskega sklada, zavarovalnica za potrebe ugotavljanja kapitalske ustreznosti zavarovalnice vrednoti sredstva in obveznosti iz pogodb dodatnega pokojninskega zavarovanja vzajemnega pokojninskega sklada oziroma krovnega vzajemnega pokojninskega sklada v skladu z določbami tega zakona, ki veljajo za zavarovalnice.

(2) Agencija za zavarovalni nadzor predpiše podrobnejša pravila o ugotavljanju kapitalske ustreznosti zavarovalnice, kadar upravlja pokojninski sklad, oblikovan kot vzajemni pokojninski skladi ali krovni vzajemni pokojninski sklad.

609. člen
(črtan)

18. poglavje:

Article 607
(Insurance undertaking which manages a pension fund, formed as a pension liability fund)

(1) An insurance undertaking shall for the purpose of determining the capital adequacy of the insurance undertaking evaluate the assets and obligations under supplementary pension insurance contracts of a pension fund, formed as a pension liability fund, pursuant to the provisions of this Act applicable to insurance undertakings.

(2) The Insurance Supervision Agency shall prescribe detailed rules on determining the capital adequacy of pension funds formed as a pension liability fund.

Article 608
(Insurance undertaking which manages a pension fund formed as a mutual pension fund or an umbrella mutual pension fund)

(1) If an insurance undertaking manages a mutual pension fund or an umbrella mutual pension fund, the insurance undertaking shall for the purpose of determining the capital adequacy of the insurance undertaking evaluate the assets and obligations under supplementary pension insurance contracts of a mutual pension fund or an umbrella mutual pension fund pursuant to the provisions of this Act applicable to insurance undertakings.

(2) The Insurance Supervision Agency shall prescribe detailed rules on determining the capital adequacy of an insurance undertaking managing a pension fund formed as a mutual pension fund or an umbrella mutual pension fund.

Article 609
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Chapter Eighteen

KAZENSKE DOLOČBE

610. člen
(hujše kršitve zavarovalnice)

(1) Z globo od 25.000 do 250.000 eurov se za prekršek kaznuje zavarovalnica, z globo od 80.000 do 370.000 eurov pa se za prekršek kaznuje zavarovalnica, ki se po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, če:

1. v nasprotju s prvim odstavkom 26. člena tega zakona sklepa druge posle, razen zavarovalnih poslov in poslov, ki so potrebni za opravljanje dejavnosti;
2. ne vzpostavi in ne uresničuje trdnega in zanesljivega sistema upravljanja (50. člen tega zakona);
3. v likvidaciji opravlja zavarovalne posle v nasprotju s prepovedjo iz tretjega odstavka 73. člena tega zakona;
4. opravlja zavarovalne posle v zavarovalnih vrstah, v katerih ni pridobila dovoljenja Agencije za zavarovalni nadzor (prvi odstavek 119. člena tega zakona);
5. po prenehanju dovoljenja za opravljanje zavarovalnih poslov sklepa nove posle v nasprotju s prepovedjo iz četrtega odstavka 122. člena tega zakona;
6. ustanovi podružnico v državi članici, ne da bi predhodno o tej nameri obvestila Agencijo za zavarovalni nadzor (prvi odstavek 127. člena tega zakona);
7. začne opravljati posle prek podružnice v državi članici v nasprotju s 129. členom tega zakona;
8. ne obvesti Agencije za zavarovalni nadzor oziroma nadzornega organa države članice v roku enega meseca pred izvedbo spremembe iz prvega odstavka 130. člena tega zakona;
9. začne z neposrednim opravljanjem zavarovalnih poslov v državi članici, ne da bi o tem obvestila Agencijo za zavarovalni nadzor v skladu s prvim odstavkom 131. člena tega zakona;
10. ustanovi podružnico v tretji državi, ne da bi za ustanovitev podružnice pridobila dovoljenje Agencije za zavarovalni nadzor (drugi odstavek 132. člena tega zakona);
11. ne opravlja lastne ocene tveganj in solventnosti iz 156. člena tega zakona;

PENALTY PROVISIONS

Article 610
(Serious violations by an insurance undertaking)

(1) An insurance undertaking shall be fined from EUR 25,000 to EUR 250,000 and an insurance undertaking deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 for the offences of:

1. concluding business other than insurance business and business necessary to conduct insurance business, in contravention of paragraph one of Article 26 of this Act;
2. failing to set up and implement a sound and reliable governance system (Article 50 of this Act);
3. conducting insurance business during liquidation in contravention of the prohibition referred to in paragraph three of Article 73 of this Act;
4. conducting insurance business in insurance classes without obtaining valid authorisation from the Insurance Supervision Agency (paragraph one of Article 119 of this Act);
5. conducting new business after authorisation to conduct insurance business has terminated, in contravention of the prohibition referred to in paragraph four of Article 122 of this Act;
6. establishing a branch in a Member State without previously notifying the Insurance Supervision Agency of its intention (paragraph one of Article 127 of this Act);
7. commencing operations of a branch in a Member State contrary to Article 129 of this Act;
8. failing to notify the Insurance Supervision Agency or a supervisory authority of a Member State within one month prior to carrying out the modification referred to in paragraph one of Article 130 of this Act;
9. commencing direct insurance business in a Member State without previously notifying the Insurance Supervision Agency pursuant to paragraph one of Article 131 of this Act;
10. establishing a branch in a third country without obtaining valid authorisation from the Insurance Supervision Agency (paragraph two of Article 132 of this Act);
11. failing to conduct its own risk and solvency assessment referred to in Article 156 of this Act;

12. ne organizira notranje revizije v skladu s 161., 162. ali 163. členom tega zakona;
13. ne izračunava in Agenciji za zavarovalni nadzor ne poroča o zavarovalno-tehničnih rezervacijah, zahtevanem solventnostnem kapitalu in zahtevanem minimalnem kapitalu v skladu z določbami 4. in 8. poglavja tega zakona;
14. nalaga sredstva v nasprotju z 4.12. oddelkom tega zakona;
15. ne upravlja sredstev omejenega sklada v skladu z določbo 241. člena tega zakona;
16. izplača dobiček v nasprotju s prepovedjo iz prvega odstavka 248. člena tega zakona;
17. vodi poslovne knjige, sestavlja knjigovodske listine, vrednoti knjigovodske postavke ali sestavlja poročila v nasprotju z drugim odstavkom 253. členom tega zakona;
18. pooblaščeni osebi Agencije za zavarovalni nadzor ne omogoči pregleda na način, določen v 296. do 300. členu tega zakona;

19. v postopku prisilne likvidacije sklepa nove posle v nasprotju s 332. členom tega zakona;
20. nadrejeni zavarovalnici, zavarovalnemu holdingu ali mešanemu zavarovalnemu holdingu ne poroča v skladu s prvim ali drugim odstavkom 362. členom tega zakona:
21. ne dovoli nadzornega pregleda v skladu s četrtim odstavkom 362. člena tega zakona;
22. ne vzpostavi ustreznih mehanizmov za zagotavljanje solventnosti skupine, določanje in merjenje tveganj skupine, zagotovitev primernih lastnih sredstev skupine in postopkov za poročanje, spremljanje ter upravljanje transakcij znotraj skupine in koncentracije tveganja iz drugega odstavka 374. člena tega zakona;
23. ne izračunava in poroča Agenciji za zavarovalni nadzor o zahtevanem solventnostnem kapitalu na ravni skupine iz prvega odstavka 377. člena tega zakona;
24. Agenciji za zavarovalni nadzor ne poroča o tveganjih koncentracije in transakcijah znotraj skupine v skladu s prvim odstavkom 399. in 400. člena tega zakona;
25. ne objavi poročila o solventnosti in finančnem položaju na ravni skupine v skladu s prvim odstavkom 403. člena tega zakona;
26. za prenos zavarovalnih pogodb ni prejela dovoljenja Agencija za zavarovalni nadzor iz tretjega odstavka 516. člena tega zakona;

27. ne opravlja lastne ocene tveganj in solventnosti na ravni skupine iz

12. failing to organise an internal audit pursuant to Article 161, 162 or 163 of this Act;
13. failing to calculate and report to the Insurance Supervision Agency on technical provisions, the solvency capital requirement and the minimum capital requirement pursuant to the provisions referred to in Chapters Four and Eight of this Act;
14. investing assets in contravention of Section 4.12. of this Act;
15. failing to manage assets of a ring-fenced fund pursuant to the provision of Article 241 of this Act;
16. paying out profits in contravention of the prohibition referred to in paragraph one of Article 248 of this Act;
17. keeping books of account, preparing bookkeeping documents, valuating bookkeeping items or drawing up reports in contravention of paragraph two of Article 253 of this Act;
18. failing to enable an authorised person of the Insurance Supervision Agency to conduct a review in the manner provided in Articles 296 to 300 of this Act;
19. concluding new transactions during the compulsory liquidation procedure in contravention of Article 332 of this Act;
20. failing to report to its parent insurance undertaking, insurance holding company or mixed insurance holding company pursuant to paragraphs one or two of Article 362 of this Act;
21. not permitting the conducting of supervision pursuant to paragraph four of Article 362 of this Act;
22. failing to establish adequate mechanisms to ensure group solvency, to determine and measure the risks of the group, to provide eligible own funds of the group and procedures for reporting, monitoring and managing intra-group transactions and the risk concentrations referred to in paragraph two of Article 374 of this Act;
23. failing to calculate and report to the Insurance Supervision Agency on the group solvency capital requirement referred to in paragraph one of Article 377 of this Act;
24. failing to report on risks of concentration and intra group transactions to the Insurance Supervision Agency pursuant to paragraph one of Articles 399 and 400 of this Act;
25. failing to publish a group solvency and financial condition report pursuant to paragraph one of Article 403 of this Act.
26. failing to obtain authorisation from the Insurance Supervision Agency for the transfer of insurance contracts referred to in paragraph three of Article 516 of this Act;
27. failing to conduct its own risk and solvency assessment at group level

tretjega odstavka 374. člena tega zakona.

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba zavarovalnice, ki stori prekršek iz prejšnjega odstavka.

611. člen
(lažje kršitve zavarovalnice)

(1) Z globo od 12.000 do 120.000 eurov se za prekršek kaznuje zavarovalnica, če:

1. Agencije za zavarovalni nadzor predhodno ni pisno obvestila o nameri pridobitve kvalificiranega deleža v zavarovalnici ali finančni družbi tretje države (49. člen tega zakona);

2. nima strategije in letnega načrta dela notranje revizije v skladu s 164. členom tega zakona ali če nista sestavljena v skladu s Hierarhijo pravil notranjega revidiranja iz drugega odstavka 162. člena tega zakona in z aktom, ki ga izda Evropska komisija v skladu s 50. členom Direktive 2009/138/ES;
3. notranja revizija ne izdeluje poročil o notranjem revidiranju v skladu z 165. členom tega zakona ali če ta niso sestavljena v skladu s Hierarhijo pravil notranjega revidiranja iz drugega odstavka 162. člena tega zakona in z aktom, ki ga izda Evropska komisija v skladu z 50. členom Direktive 2009/138/ES;

4. notranja revizija ne obvešča uprave oziroma nadzornega sveta zavarovalnice v skladu z 166. členom tega zakona;
5. ne poroča Agenciji za zavarovalni nadzor v skladu s prvim odstavkom 252. člena ali 293. členom tega zakona;
6. Agenciji za zavarovalni nadzor ne predloži nerevidiranih letnih računovodskih izkazov v roku iz drugega in tretjega odstavka 255. člena tega zakona;
7. Agenciji za zavarovalni nadzor v roku iz prvega odstavka 256. člena tega zakona ne predloži poročila nosilca aktuarske funkcije iz 170. člena tega zakona v skladu z aktom, ki ga izda Evropska komisija v skladu z 50. členom Direktive 2009/138/ES;

8. Agenciji za zavarovalni nadzor v roku, določenem v prvem odstavku 257. člena tega zakona, ne predloži letnega poročila oziroma

as referred to in paragraph three of Article 374 of this Act;

(2) The responsible person of an insurance undertaking shall be fined from EUR 2,500 to EUR 10,000 for the offence referred to in the preceding paragraph.

Article 611
(Minor violations by an insurance undertaking)

(1) An insurance undertaking shall be fined from EUR 12,000 to EUR 120,000 for the offences of:

1. failing to notify the Insurance Supervision Agency in writing in advance of its intention to acquire a qualified holding in an insurance undertaking or a financial undertaking from a third country (Article 49 of this Act);
2. not having a work strategy and an internal audit work plan pursuant to Article 164 of this Act, or if they have not been drafted pursuant to the Hierarchy of Rules on Internal Auditing referred to in paragraph two of Article 162 of this Act and pursuant to an Act issued by the European Commission in accordance with Article 50 of Directive 2009/138/EC;
3. internal audit failing to draft internal audit reports pursuant to Article 165 of this Act or if such reports have not been drafted pursuant to the Hierarchy of Rules on Internal Auditing referred to in paragraph two of Article 162 of this Act and pursuant to an Act issued by the European Commission in accordance with Article 50 of Directive 2009/138/EC;
4. internal audit failing to notify the management or the supervisory board of an insurance undertaking pursuant to Article 166 of this Act;
5. failing to report to the Insurance Supervision Agency pursuant to paragraph one of Article 252 or Article 293 of this Act;
6. failing to submit to the Insurance Supervision Agency unaudited annual financial statements within the deadline referred to in paragraphs two and three of Article 255 of this Act;
7. failing to submit within the deadline pursuant to paragraph one of Article 256 of this Act to the Insurance Supervision Agency a report of the holder of the actuarial function referred to in Article 170 of this Act pursuant to an act issued by the European Commission in accordance with Article 50 of Directive 2009/138/EC;
8. failing to submit to the Insurance Supervision Agency within the deadline laid down in paragraph one of Article 257 of this Act an

konsolidiranega letnega poročila, revizorjevega poročila o revidiranju letnega poročila kot ga opredeljuje zakon, ki ureja gospodarske družbe ali dodatnega revizorjevega poročila o izpolnjevanju pravil o upravljanju tveganj v zavarovalnici iz prvega odstavka 258. člena tega zakona;
9. ne objavi poročila o solventnosti in finančnem položaju v skladu s prvim odstavkom 261. člena tega zakona;
10. ne obvesti zavarovancev o prenosu zavarovalnih pogodb (517. člen tega zakona);
11. zavarovalna pogodba ne vsebuje informacij in pogojev iz 521. člena tega zakona;
12. ob sklenitvi zavarovalne pogodbe zavarovalca ne obvesti o podatkih iz 522. člena tega zakona;
13. zavarovalcev ne obvešča o podatkih iz 523. člena tega zakona;
14. ne poda podatkov v skladu s 524. členom tega zakona;
15. ne zagotovi, da dejavnost zavarovalnega zastopanja ali zavarovalnega posredovanja opravljajo samo osebe iz prvega, tretjega oziroma osmega odstavka 558. člena tega zakona;
16. ne zagotovi, da posle zavarovalnega zastopanja zanjo opravljajo samo fizične osebe, ki imajo dovoljenje Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega zastopanja (prvi odstavek 561. člena tega zakona).

(2) Z globo od 400 do 4.000 eurov se za prekršek kaznuje odgovorna oseba zavarovalnice, ki stori prekršek iz prejšnjega odstavka.

612. člen
(kršitve člana uprave ali izvršnega direktorja oziroma nadzornega sveta ali upravnega odbora)

(1) Z globo od 400 do 3.600 eurov se za prekršek kaznuje član uprave ali izvršni direktor zavarovalnice:

1. ki ne zagotovi, da zavarovalnica posluje v skladu s pravili iz prvega odstavka 61. člena tega zakona;
2. ki ne obvesti nemudoma nadzornega sveta zavarovalnice o okoliščinah iz 62. člena tega zakona;

annual report or consolidated annual report, auditor's report on the auditing of the annual report as defined by the Act governing companies, or the additional auditor's report on compliance with the rules on risk management of an insurance undertaking referred to in paragraph one of Article 258 of this Act;
9. failing to publish a solvency and financial condition report pursuant to paragraph one of Article 261 of this Act;
10. failing to notify insured persons of the transfer of insurance contracts (Article 517 of this Act);
11. an insurance contract not including information and terms and conditions referred to in Article 521 of this Act;
12. failing to notify a policyholder concerning the data referred to in Article 522 of this Act upon the conclusion of an insurance contract;
13. failing to notify policyholders of data referred to in Article 523 of this Act;
14. failing to provide data pursuant to Article 524 of this Act;
15. failing to ensure that only the persons referred to in paragraphs one, three or eight of Article 558 of this Act conduct insurance agency or insurance brokerage activities;
16. failing to ensure that insurance agency business is conducted on its behalf only by natural persons with the authorisation of the Insurance Supervision Agency to conduct insurance agency business (paragraph one of Article 561 of this Act).

(2) The responsible person of an insurance undertaking shall be fined from EUR 400 to EUR 4,000 for the offences referred to in the preceding paragraph.

Article 612
(Violations by a member of the management board or executive director or supervisory board or board of directors)

(1) A member of the management board or an executive director of an insurance undertaking shall be fined from EUR 400 to EUR 3,600 for the offences of:
1. failing to ensure that an insurance undertaking conducts business pursuant to the rules referred to in paragraph one of Article 61 of this Act;
2. failing to immediately notify the supervisory board of an insurance undertaking of the circumstances referred to in Article 62 of this Act;

3. ki ne izvrši zahteve Agencije za zavarovalni nadzor iz tretjega odstavka 67. člena tega zakona;
4. ki ne obvesti nemudoma Agencije za zavarovalni nadzor o dogodkih iz drugega odstavka 252. člena tega zakona;

5. ki izredni upravi ne omogoči nemudoma dostopa do vse poslovne in druge dokumentacije zavarovalnice oziroma ne pripravi poročila o predaji poslov (prvi odstavek 322. člena);

6. ki izredni upravi ali posameznemu izrednemu upravitelju na zahtevo ne da vseh pojasnil oziroma dodatnih poročil o poslovanju zavarovalnice (drugi odstavek 322. člena);

7. če v primeru iz prvega odstavka 325. člena tega zakona ne objavi sklica skupščine z dnevnim redom, in sicer v roku iz drugega odstavka 325. člena tega zakona.

(2) Z globo od 400 do 3.600 eurov se za prekršek kaznuje član nadzornega sveta ali upravnega odbora zavarovalnice, ki ne obvesti nemudoma Agencije za zavarovalni nadzor o dogodkih iz četrtega odstavka 69. člena tega zakona.

613. člen
(kršitve zavarovalnega holdinga oziroma mešanega finančnega holdinga)

(1) Z globo od 25.000 do 250.000 eurov se za prekršek kaznuje zavarovalni holding oziroma mešani finančni holding, z globo od 80.000 do 370.000 eurov pa se za prekršek kaznuje zavarovalni holding oziroma mešani finančni holding, ki po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, če:

1. pooblaščeni osebi Agencije za zavarovalni nadzor ne omogoči pregleda na način, določen v 296. do 300. členu tega zakona;

2. podrejeni zavarovalnici ne poroča v skladu z drugim odstavkom 362. člena tega zakona;
3. ne vzpostavi in ne uresničuje trdnega in zanesljivega sistema upravljanja v skladu s prvim odstavkom 374. člena tega zakona;

3. failing to implement the request of the Insurance Supervision Agency referred to in paragraph three of Article 67 of this Act;
4. failing to immediately notify the Insurance Supervision Agency regarding events referred to in paragraph two of Article 252 of this Act;
5. failing to immediately provide access to all business and other documentation of the insurance undertaking for the special management or failing to draft a report on the handover of business (paragraph one of Article 322);
6. failing to provide all explanations or additional reports on the business of the insurance undertaking to the special management or an individual special manager at their request (paragraph two of Article 322);
7. in the case referred to in paragraph one of Article 325 of this Act, failing to publish the calling of the general meeting with the agenda within the deadline referred to in paragraph two of Article 325 of this Act;

(2) A member of the supervisory board or board of directors of an insurance undertaking shall be fined from EUR 400 to EUR 3,600 for failing to immediately notify the Insurance Supervision Agency regarding events referred to in paragraph four of Article 69 of this Act.

Article 613
(Violations by an insurance holding company or a mixed financial holding company)

(1) An insurance holding company or a mixed financial holding company shall be fined from EUR 25,000 to EUR 250,000 and an insurance holding company or a mixed financial holding company deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 for the offences of:
1. failing to enable an authorised person of the Insurance Supervision Agency to conduct a review in the manner provided in Articles 296 to 300 of this Act;
2. failing to report to a subsidiary insurance undertaking pursuant to paragraph two of Article 362;
3. failing to set up and implement a sound and reliable governance system pursuant to paragraph one of Article 374 of this Act;

4. ne opravlja lastne ocene tveganj in solventnosti na ravni skupine iz tretjega odstavka 374. člena tega zakona.
5. ne vzpostavi ustreznih mehanizmov za določanje in merjenje tveganj skupine, ne zagotovi primernih lastnih sredstev skupine in postopkov za poročanje, spremljanje ter upravljanje transakcij znotraj skupine in koncentracije tveganja iz drugega odstavka 374. člena tega zakona;

6. Agenciji za zavarovalni nadzor ne poroča o tveganjih koncentracije in transakcijah znotraj skupine v skladu s prvim odstavkom 399. in 400. člena tega zakona;
7. ne objavi poročila o solventnosti in finančnem položaju na ravni skupine v skladu s prvim odstavkom 403. člena tega zakona.

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba zavarovalnega holdinga oziroma mešanega finančnega holdinga, ki stori prekršek iz prejšnjega odstavka.

614. člen
(kršitve mešanega zavarovalnega holdinga)

(1) Z globo z globo od 25.000 do 250.000 eurov se kazuje mešani zavarovalni holding, z globo od 80.000 do 370.000 eurov pa se kaznuje mešani zavarovalni holding, ki po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, če ne omogoči nadzora transakcij v skladu s 408. členom tega zakona

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba mešanega zavarovalnega holdinga, ki stori prekršek iz prejšnjega odstavka.

615. člen
(kršitve namenske družbe)

(1) Z globo od 25.000 do 250.000 eurov se kaznuje namenska družba, z globo od 80.000 do 370.000 eurov pa se za prekršek kaznuje namenska družba, ki po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, če ne poroča Agenciji za zavarovalni nadzor v skladu z aktom, ki ga izda Evropska komisija na podlagi drugega odstavka 211. člena Direktive 2009/138/ES.

4. failing to conduct its own risk and solvency assessment at group level as referred to in paragraph three of Article 374 of this Act;
5. failing to establish adequate mechanisms to determine and measure risks of the group, provide eligible own funds of the group and procedures for reporting, monitoring and managing intra group transactions and risk concentrations referred to in paragraph two of Article 374 of this Act;
6. failing to report on risks of concentration and intra group transactions to the Insurance Supervision Agency pursuant to paragraph one of Articles 399 and 400 of this Act;
7. failing to publish a group solvency and financial condition report pursuant to paragraph one of Article 403 of this Act.

(2) The responsible person of an insurance holding company or a mixed financial holding company shall be fined from EUR 2,500 to EUR 10,000 for the offences referred to in the preceding paragraph.

Article 614
(Violations by a mixed insurance holding company)

(1) A mixed insurance holding company shall be fined from EUR 25,000 to EUR 250,000 and a mixed insurance holding company deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 if it fails to allow the supervision of transactions pursuant to Article 408 of this Act.

(2) The responsible person of a mixed insurance holding company shall be fined from EUR 2,500 to EUR 10,000 for the offences referred to in the preceding paragraph.

Article 615
(Violations by a special purpose vehicle)

(1) A special purpose vehicle shall be fined from EUR 25,000 to EUR 250,000 and a special purpose vehicle deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 if it fails to report to the Insurance Supervision Agency pursuant to the act issued by the European Commission based on Article 211(2) of Directive 2009/138/EC.

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba namenske družbe, ki stori prekršek iz prejšnjega odstavka.

616. člen
(kršitve zavarovalno zastopniške družbe in zavarovalnega zastopnika)

(1) Z globo od 12.520 do 125.000 eurov se za prekršek kaznuje zavarovalno zastopniška družba, če:
1. ob sklenitvi zavarovalne pogodbe zavarovalca ne obvesti o podatkih iz prvega odstavka 522. člena tega zakona;
2. ne poda podatkov v skladu s prvim odstavkom 524. člena tega zakona;
3. posle zavarovalnega zastopanja ali zavarovalnega posredovanja zanjo opravlja fizična oseba, ki nima dovoljenja Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega zastopanja oziroma zavarovalnega posredovanja (prvi odstavek 561. člena tega zakona);
4. če ne poroča Agenciji za zavarovalni nadzor v skladu s sedmim odstavkom 562. člena ali petim odstavkom 570. člena tega zakona.

(2) Z globo od 400 do 5.000 eurov se za prekršek kaznuje odgovorna oseba zavarovalno zastopniške družbe, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 400 do 5.000 eurov se za prekršek kaznuje zavarovalni zastopnik, ki stori prekršek iz prvega odstavka tega člena.

617. člen
(kršitve zavarovalno posredniške družbe in zavarovalnega posrednika)

(1) Z globo od 400 do 5.000 eurov se za prekršek kaznuje zavarovalni posrednik, če:
1. posreduje pri sklenitvi pogodbe z zavarovalnico, ki na območju Republike Slovenije ne sme opravljati poslov (21. člen tega zakona);

(2) The responsible person of a special purpose vehicle shall be fined from EUR 2,500 to EUR 10,000 for the offences referred to in the preceding paragraph.

Article 616
(Violations by an insurance agency company and an insurance agent)

(1) An insurance agency company shall be fined from EUR 12,520 to EUR 125,000 for the offences of:
1. failing to notify a policyholder at the time of concluding an insurance contract of data referred to in paragraph one of Article 522 of this Act;
2. failing to provide data pursuant to paragraph one of Article 524 of this Act;
3. insurance agency or insurance brokerage business being conducted on its behalf by a natural person that does not have the authorisation of the Insurance Supervision Agency to conduct insurance agency or insurance brokerage business (paragraph one of Article 561 of this Act);
4. failing to report to the Insurance Supervision Agency pursuant to paragraph seven of Article 562 or paragraph five of Article 570 of this Act.

(2) The responsible person of an insurance agency company shall be fined from EUR 400 to EUR 5,000 for the offences referred to in the preceding paragraph.

(3) An insurance agent shall be fined from EUR 400 to EUR 5,000 for the offences referred to in paragraph one of this Article.

Article 617
(Violations by an insurance brokerage company and an insurance broker)

(1) An insurance broker shall be fined from EUR 400 to EUR 5,000 for the offences of:
1. acting as a broker regarding a contract that is concluded with an insurance undertaking which is not permitted to conduct insurance

2. ob sklenitvi zavarovalne pogodbe zavarovalca ne obvesti o podatkih iz prvega odstavka 522. člena tega zakona;
3. zavarovalcev ne obvešča o podatkih iz drugega odstavka 523. člena tega zakona;
4. ne poda podatkov v skladu s prvim odstavkom 524. člena tega zakona;
5. ne ščiti interesov zavarovalca (prvi odstavek 550. člena tega zakona);

6. ne razkrije vseh pravnih in ekonomskih povezav, ki bil lahko vplivale na njegovo nepristranskost (prvi odstavek 553. člena tega zakona);

7. je zahteval plačilo provizije oziroma kakršnokoli drugo plačilo v nasprotju s prvim odstavkom 554. člena tega zakona;
8. ne poroča Agenciji za zavarovalni nadzor v skladu s sedmim odstavkom 562. člena tega zakona.

(2) Z globo od 12.520 do 125.000 eurov se za prekršek kaznuje zavarovalno posredniška družba, če:
1. ob sklenitvi zavarovalne pogodbe zavarovalca ne obvesti o podatkih iz prvega odstavka 522. člena tega zakona;
2. zavarovalcev ne obvešča o podatkih iz drugega odstavka 523. člena tega zakona;
3. ne poda podatkov v skladu s prvim odstavkom 524. člena tega zakona;
4. posle zavarovalnega posredovanja zanjo opravlja fizična oseba, ki nima dovoljenja Agencije za zavarovalni nadzor za opravljanje poslov zavarovalnega posredovanja (prvi odstavek 561. člena tega zakona);

5. nima sklenjene pogodbe o zavarovanju odgovornosti na podlagi 568. člena tega zakona;
6. ne poroča Agenciji za zavarovalni nadzor v skladu s sedmim odstavkom 562. člena ali petim odstavkom 570. člena tega zakona;

7. Agenciji za zavarovalni nadzor ne poroča o podatkih iz 571. člena tega zakona z vsebino, v rokih in na način, določen s predpisom, izdanim na podlagi 3. točke 564. člena tega zakona.

(3) Z globo od 400 do 5.000 eurov se za prekršek kaznuje

business in the territory of the Republic of Slovenia (Article 21 of this Act);
2. failing to notify a policyholder at the time of concluding an insurance contract of data referred to in paragraph one of Article 522 of this Act;
3. failing to notify policyholders concerning data referred to in paragraph two of Article 523 of this Act;
4. failing to provide data pursuant to paragraph one of Article 524 of this Act;
5. failing to protect the interests of a policyholder (paragraph one of Article 550 of this Act);
6. failing to disclose any legal and commercial links which may affect the impartiality of the insurance broker (paragraph one of Article 553 of this Act);
7. claiming a commission payment or any other payment in contravention of paragraph one of Article 554 of this Act;
8. failing to report to the Insurance Supervision Agency pursuant to paragraph seven of Article 562 of this Act.

(2) An insurance brokerage company shall be fined from EUR 12,520 to EUR 125,000 for the offences of:
1. failing to notify a policyholder at the time of concluding an insurance contract of data referred to in paragraph one of Article 522 of this Act;
2. failing to notify policyholders concerning data referred to in paragraph two of Article 523 of this Act;
3. failing to provide data pursuant to paragraph one of Article 524 of this Act;
4. insurance brokerage business being conducted on its behalf by a natural person which does not have the authorisation of the Insurance Supervision Agency to conduct insurance brokerage business (paragraph one of Article 561 of this Act);
5. not having concluded a professional liability insurance contract based on Article 568 of this Act;
6. failing to report to the Insurance Supervision Agency pursuant to paragraph seven of Article 562 or paragraph five of Article 570 of this Act;
7. failing to report to the Insurance Supervision Agency regarding data referred to in Article 571 of this Act with the content, by the deadlines and in the manner laid down by the regulation issued on the basis of point 3 of Article 564 of this Act.

(3) The responsible person of an insurance brokerage company

odgovorna oseba zavarovalno posredniške družbe, ki stori prekršek iz prejšnjega odstavka.

617.a člen
(kršitve zavarovalnic, zavarovalno zastopniških in zavarovalno posredniških družb pri poslovanju z zavarovalnimi naložbenimi produkti)

(1) Z globo od 12.520 do 125.000 eurov se za prekršek kaznuje zavarovalnica, z globo od 25.000 do 250.000 eurov pa zavarovalnica, ki se po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, če:

1. ob sklenitvi zavarovalne pogodbe zavarovalca ne obvesti o podatkih iz prvega odstavka 522. člena tega zakona;
2. ne poda podatkov v skladu s prvim odstavkom 524. člena tega zakona;
3. zavarovalni zastopnik krši obveznosti iz 545. člena tega zakona;
4. zavarovalni posrednik krši obveznosti iz 551. člena tega zakona.

(2) Z globo od 1.250 do 12.500 eurov se za prekršek iz 3. in 4. točke prejšnjega odstavka kaznuje zavarovalno zastopniška družba ali zavarovalno posredniška družba, z globo od 2.500 do 25.000 eurov pa zavarovalno zastopniška družba ali zavarovalno posredniška družba, ki se po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo.

(3) Z globo od 400 do 5.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje odgovorna oseba zavarovalnice, njen zavarovalni zastopnik ali zavarovalni posrednik.

(4) Z globo od 200 do 2.500 eurov se za prekršek iz 3. in 4. točke prvega odstavka tega člena kaznuje odgovorna oseba zavarovalno zastopniške družbe in njen zavarovalni zastopnik ali odgovorna oseba zavarovalno posredniške družbe in njen zavarovalni posrednik.

(5) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode ali višine pridobljene

shall be fined from EUR 400 to EUR 5,000 for the offences referred to in the preceding paragraph.

Article 617a
(Violations by insurance undertakings, insurance agency companies and insurance brokerage companies related to the distribution of insurance-based investment products)

(1) An insurance undertaking shall be fined from EUR 12,520 to EUR 125,000 and an insurance undertaking deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 25,000 to EUR 250,000 for the offences of:

1. failing to notify a policyholder at the time of concluding an insurance contract of data referred to in paragraph one of Article 522 of this Act;
2. failing to provide data pursuant to paragraph one of Article 524 of this Act;
3. an insurance agent being in breach of the obligations referred to in Article 545 of this Act;
4. an insurance broker being in breach of the obligations referred to in Article 551 of this Act.

(2) An insurance agency company or insurance brokerage company shall be fined from EUR 1,250 to EUR 12,500 for the offence referred to in points 3 and 4 of the preceding paragraph and an insurance agency company or insurance brokerage company deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 2,500 to EUR 25,000.

(3) The responsible person of an insurance undertaking, its insurance agent or insurance broker shall be fined from EUR 400 to EUR 5,000 for an offence referred to in paragraph one of this Article.

(4) The responsible person of an insurance agency company and its insurance agent or the responsible person of an insurance brokerage company and its insurance broker shall be fined from EUR 200 to EUR 2,500 for an offence referred to in points 3 and 4 of paragraph one of this Article.

(5) If the nature of the offence referred to in paragraph one of this Article is especially serious due to the amount of damage inflicted or

protipravne premoženjske koristi in zaradi storilčevega naklepa ali njegovega namena koristoljubnosti, se zavarovalnica kaznuje z globo od 20.000 do 5.000.000 eurov, zavarovalno zastopniška ali zavarovalno posredniška družba pa z globo od 10.000 do 5.000.000 eurov, ali v višini do dvakratnega zneska dobička, pridobljenega s kršitvijo, ali izgube, preprečene s kršitvijo, kadar ju je mogoče določiti ali do 5 % skupnega letnega prometa na podlagi zadnjih razpoložljivih računovodskih izkazov, ki jih je odobril poslovodni organ. Kadar je pravna oseba obvladujoče podjetje ali odvisno podjetje, ki mora v skladu z Direktivo 2013/34/EU Evropskega parlamenta in Sveta z dne 26. junija 2013 o letnih računovodskih izkazih, konsolidiranih računovodskih izkazih in povezanih poročilih nekaterih vrst podjetij, spremembi Direktive 2006/43/ES Evropskega parlamenta in Sveta ter razveljavitvi direktiv Sveta 78/660/EGS in 83/349/ESG (UL L 182, z dne 29. 6. 2013, str. 19-76) izdelati konsolidirane računovodske izkaze, je ustrezni skupni promet tisti, ki je v skladu z zadnjimi razpoložljivimi konsolidiranimi računovodskimi izkazi, ki jih je odobril upravljalni organ končnega obvladujočega podjetja.

(6) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode ali višine pridobljene protipravne premoženjske koristi in zaradi storilčevega naklepa ali njegovega namena koristoljubnosti, se zavarovalnica, ki se po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, kaznuje z globo od 30.000 do 5.000.000 eurov, zavarovalno zastopniška ali zavarovalno posredniška družba, ki se po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo pa z globo od 15.000 do 5.000.000 eurov, ali v višini do dvakratnega zneska dobička, pridobljenega s kršitvijo, ali izgube, preprečene s kršitvijo, kadar ju je mogoče določiti ali do 5 % skupnega letnega prometa na podlagi zadnjih razpoložljivih računovodskih izkazov, ki jih je odobril poslovodni organ. Kadar je pravna oseba obvladujoče podjetje ali odvisno podjetje, ki mora v skladu z Direktivo 2013/34/EU Evropskega parlamenta in Sveta z dne 26. junija 2013 o letnih računovodskih izkazih, konsolidiranih računovodskih izkazih in povezanih poročilih nekaterih vrst podjetij, spremembi Direktive 2006/43/ES Evropskega parlamenta in Sveta ter razveljavitvi direktiv Sveta 78/660/EGS in 83/349/ESG (UL L 182, z dne 29. 6. 2013, str. 19-76) izdelati konsolidirane računovodske izkaze, je ustrezni skupni promet tisti, ki je v skladu z zadnjimi razpoložljivimi konsolidiranimi računovodskimi izkazi, ki jih je odobril upravljalni organ

the amount of illegally acquired proceeds and due to the perpetrator's intent or intention of unlawful gain, a fine from EUR 20,000 to EUR 5,000,000 shall be imposed on the insurance undertaking and a fine from EUR 10,000 to EUR 5,000,000 shall be imposed on the insurance agency company or insurance brokerage company, or a fine up to twice the amount of the profits gained or losses avoided because of the violation, where those can be determined, or up to 5% of the total annual turnover according to the last available financial statements approved by the management body. Where the legal person is a parent undertaking or subsidiary undertaking which is required to prepare consolidated financial statements pursuant to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, of 29 June 2013, p. 19–76), the relevant total turnover shall be the total turnover that is in accordance with the last available consolidated statements approved by the management body of the ultimate parent undertaking.

(6) If the nature of the offence referred to in paragraph one of this Article is especially serious due to the amount of damage inflicted or the amount of illegally acquired proceeds and due to the perpetrator's intent or intention of unlawful gain, a fine from EUR 30,000 to EUR 5,000,000 shall be imposed on the insurance undertaking deemed to be a medium-sized or large company under the Act governing companies and a fine from EUR 15,000 to EUR 5,000,000 shall be imposed on the insurance agency company or insurance brokerage company deemed to be a medium-sized or large company under the Act governing companies, or a fine up to twice the amount of the profits gained or losses avoided because of the violation, where those can be determined, or up to 5% of the total annual turnover according to the last available financial statements approved by the management body. Where the legal person is a parent undertaking or subsidiary undertaking which is required to prepare consolidated financial statements pursuant to Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, of 29 June 2013, p. 19–76), the relevant total turnover shall be the total

končnega obvladujočega podjetja.

(7) Če je narava storjenega prekrška iz prvega odstavka tega člena posebno huda zaradi višine povzročene škode ali višine pridobljene protipravne premoženjske koristi in zaradi storilčevega naklepa ali njegovega namena koristoljubnosti, se odgovorna oseba zavarovalnice kaznuje z globo od 5.000 do 700.000 eurov, odgovorna oseba zavarovalno zastopniške ali zavarovalno posredniške družbe pa z globo od 2.500 do 700.000 eurov, ali v višini do dvakratnega zneska dobička, pridobljenega s kršitvijo, ali izgube, preprečene s kršitvijo, kadar ju je mogoče določiti.

618. člen
(kršitve drugih oseb)

(1) Z globo od 25.000 do 250.000 eurov se za prekršek kaznuje pravna oseba, z globo od 80.000 do 370.000 eurov pa pravna oseba, ki po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, ki:

1. opravlja zavarovalne posle v nasprotju z 21. členom tega zakona;

2. neposredno ali posredno pridobi delnice zavarovalnice, s katerimi je dosegla ali presegla kvalificiran delež, ne da bi predhodno pridobila dovoljenje Agencije za zavarovalni nadzor za pridobitev kvalificiranega deleža (prvi odstavek 31. člena tega zakona);

3. pridobi delnice, s katerimi preseže razpon, za katerega velja že izdano dovoljenje za pridobitev kvalificiranega deleža, ne da bi predhodno pridobila dovoljenje Agencije za zavarovalni nadzor za pridobitev kvalificiranega deleža (tretji odstavek 31. člena tega zakona);
4. se sporazume, da bo delovala usklajeno pri pridobivanju delnic zavarovalnice ali uresničevanju upravljavskih upravičenj iz teh delnic in doseže ali preseže kvalificiran delež, ne da bi predhodno pridobila dovoljenje Agencije za zavarovalni nadzor za pridobitev kvalificiranega deleža (četrti odstavek 31. člena tega zakona);
5. sklene delničarski sporazum iz drugega odstavka 43. člena tega

turnover that is in accordance with the last available consolidated statements approved by the management body of the ultimate parent undertaking.

(7) If the nature of the offence referred to in paragraph one of this Article is especially serious due to the amount of damage inflicted or the amount of illegally acquired proceeds and due to the perpetrator's intent or intention of unlawful gain, a fine from EUR 5,000 to EUR 700,000 shall be imposed on the responsible person of the insurance undertaking and a fine from EUR 2,500 to EUR 700,000 shall be imposed on the responsible person of the insurance agency company or insurance brokerage company, or a fine up to twice the amount of the profits gained or losses avoided because of the violation, where those can be determined.

Article 618
(Violations by other persons)

(1) A legal person shall be fined from EUR 25,000 to EUR 250,000 and a legal person deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 for the offences of:

1. conducting insurance business in contravention of Article 21 of this Act;
2. directly or indirectly acquiring shares of an insurance undertaking which results in meeting or exceeding the qualifying holding without first obtaining authorisation to acquire a qualifying holding from the Insurance Supervision Agency (paragraph one of Article 31 of this Act);
3. acquiring shares which results in exceeding the range subject to the already issued authorisation to acquire a qualifying holding, without first obtaining authorisation from the Insurance Supervision Agency to acquire a qualifying holding (paragraph three of Article 31 of this Act);

4. agreeing to act in concert in acquiring shares of an insurance undertaking or exercising management rights arising from such shares and meeting or exceeding the qualifying holding without first obtaining authorisation from the Insurance Supervision Agency to acquire a qualifying holding (paragraph four of Article 31 of this Act);
5. concluding a shareholders' agreement referred to in paragraph two of

zakona, ne da bi pred sklenitvijo pridobila dovoljenje Agencije za zavarovalni nadzor;
6. opravlja storitve zavarovalnega zastopanja oziroma zavarovalnega posredovanja v nasprotju s prepovedjo iz 558. člena tega zakona.

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba pravne osebe, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 400 do 3.500 eurov se za prekršek kaznuje samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost, ali fizična oseba, ki:
1. opravlja zavarovalne posle v nasprotju z 21. členom tega zakona;

2. opravlja storitve zavarovalnega zastopanja oziroma zavarovalnega posredovanja v nasprotju s prepovedjo iz prvega odstavka 561. člena tega zakona.

(4) Z globo od 400 do 3.500 eurov se za prekršek kaznuje posameznik, ki je delničar zavarovalnice, če stori prekršek iz 2. do 5. točke prvega odstavka tega člena.

619. člen
(kršitve revizijske družbe in pooblaščenega revizorja)

(1) Z globo od 25.000 do 250.000 eurov se kaznuje pravna oseba – revizijska družba, z globo od 80.000 do 370.000 eurov pa se za prekršek kaznuje pravna oseba – revizijska oseba, ki po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo:

1. če ne opravi revizijskega pregleda oziroma ne izdela poročil v skladu s prvim odstavkom 258. člena tega zakona ali s predpisom iz 254. člena tega zakona;
2. če Agenciji za zavarovalni nadzor na njeno zahtevo ne da dodatnih pojasnil v skladu s drugim odstavkom 258. člena tega zakona;

3. če ne popravi ali dopolni svojih poročil v skladu z zahtevo Agencije za zavarovalni nadzor iz 1. točke tretjega odstavka 258. člena tega zakona;
4. če ne obvesti nemudoma Agencije za zavarovalni nadzor o dejstvih

Article 43 of this Act without obtaining authorisation from the Insurance Supervision Agency prior to concluding the agreement;
6. conducting insurance agency or insurance brokerage services in contravention of the prohibition referred to in Article 558 of this Act.

(2) The responsible person of the legal person shall be fined from EUR 2,500 to EUR 10,000 for the offences referred to in the preceding paragraph.

(3) A sole trader or self-employed person or natural person shall be fined from EUR 400 and EUR 3,500 for the offences of:

1. conducting insurance business in contravention of Article 21 of this Act;
2. conducting insurance agency or insurance brokerage services in contravention of the prohibition referred to in paragraph one of Article 561 of this Act.

(4) An individual who is a shareholder of an insurance undertaking shall be fined from EUR 400 to EUR 3,500 for the offences referred to in points 2 to 5 of paragraph one of this Article.

Article 619
(Violations by an auditing company and a certified auditor)

(1) A legal person that is an auditing company shall be fined from EUR 25,000 to EUR 250,000 and a legal person that is an auditing company deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 for the offences of:
1. failing to carry out an audit or to prepare the reports pursuant to paragraph one of Article 258 of this Act or to the regulation referred to in Article 254 of this Act;
2. failing to provide additional explanations to the Insurance Supervision Agency at its request, pursuant to paragraph two of Article 258 of this Act;
3. failing to correct or amend its reports pursuant to the request of the Insurance Supervision Agency referred to in point 1 of paragraph three of Article 258 of this Act;
4. failing to notify the Insurance Supervision Agency without delay of

ali okoliščinah iz prvega odstavka 259. člena tega zakona ali ji ne posreduje zahtevanih podatkov iz tretjega odstavka 259. člena tega zakona.

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje pooblaščeni revizor, ki stori prekršek iz prejšnjega odstavka.

620. člen
(kršitve izrednega in likvidacijskega upravitelja)

(1) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje izredni upravitelj:

1. če v treh mesecih po imenovanju Agenciji za zavarovalni nadzor ne izroči poročila o finančnem stanju in pogojih poslovanja zavarovalnice v izredni upravi (prvi odstavek 323. člena);

2. če v devetih mesecih po imenovanju Agenciji za zavarovalni nadzor ne izroči poročila iz drugega odstavka 323. člena tega zakona;

3. če v primeru iz prvega odstavka 325. člena tega zakona ne objavi sklica skupščine z dnevnim redom, in sicer v roku iz drugega odstavka 325. člena tega zakona.

4. če Agencije za zavarovalni nadzor ne obvesti nemudoma o nastopu stečajnega razloga (333. člen).

621. člen
(kršitve v zvezi z varovanjem zaupnih podatkov)

(1) Z globo od 25.000 do 250.000 eurov se kaznuje zavarovalnica, z globo od 80.000 do 370.000 eurov pa se za prekršek kaznuje zavarovalnica, ki po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, če krši dolžnost varovanja zaupnih podatkov (265. člen tega zakona).

(2) Z globo od 2.500 do 10.000 eurov se za prekršek kaznuje odgovorna oseba zavarovalnice, ki stori prekršek iz prejšnjega odstavka.

facts or circumstances referred to in paragraph one of Article 259 of this Act, or to provide it with the required data referred to in paragraph three of Article 259 of this Act.

(2) A certified auditor shall be fined from EUR 2,500 to EUR 10,000 for the offences referred to in the preceding paragraph.

Article 620
(Violations by a special manager and liquidator)

(1) A special manager shall be fined from EUR 2,500 to EUR 10,000 for the offences of:

1. failing to submit a report on the financial state and business conditions of an insurance undertaking under special management to the Insurance Supervision Agency within three months of their appointment (paragraph one of Article 323);
2. failing to submit a report referred to in paragraph two of Article 323 to the Insurance Supervision Agency within nine months of their appointment;
3. in the case referred to in paragraph one of Article 325 of this Act, failing to publish the calling of the general meeting with the agenda within the deadline referred to in paragraph two of Article 325 of this Act;
4. failing to immediately notify the Insurance Supervision Agency of the occurrence of grounds for bankruptcy (Article 333).

Article 621
(Violations regarding protection of confidential data)

(1) An insurance undertaking shall be fined from EUR 25,000 to EUR 250,000 and an insurance undertaking deemed to be a medium-sized or large company under the Act governing companies shall be fined from EUR 80,000 to EUR 370,000 for the offence of violating the obligation to protect confidential data (Article 265 of this Act).

(2) The responsible person of an insurance undertaking shall be fined from EUR 2,500 to EUR 10,000 for the offence referred to in the preceding paragraph.

(3) Z globo od 400 do 3.000 eurov se za prekršek kaznuje posameznik iz prvega odstavka 266. člena tega zakona, ki krši dolžnost varovanja zaupnih podatkov.

622. člen
(kršitve v zvezi dolžnostjo posredovati podatke, potrebne za opravljanje nadzora)

(1) Z globo od 1000 do 50.000 eurov se kaznuje pravna oseba:

- ki ne posreduje podatkov, ki jih je v skladu s prvim odstavkom 456. člena tega zakona zahtevala Agencija za zavarovalni nadzor,
- ki je Agenciji za zavarovalni nadzor na podlagi njene zahteve izdane v skladu s prvim odstavkom 456. člena tega zakona, posredovala nepravilne, nepopolne ali zavajajoče, podatke.

(2) Z globo od 1000 do 25.000 eurov se kaznuje podjetnik ali posameznik, ki samostojno opravlja dejavnost, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 800 do 8.000 eurov se za prekršek kaznuje odgovorna oseba pravne osebe, samostojnega podjetnika posameznika, posameznika, ki samostojno opravlja dejavnost ali odgovorna oseba v državnem organu ali v samoupravni lokalni skupnosti, ki stori prekršek iz prvega odstavka tega člena.

(4) Z globo od 40 do 5.000 eurov se kaznuje posameznik:
- ki ne posreduje podatkov, ki jih je v skladu s prvim odstavkom 456. člena tega zakona zahtevala Agencija za zavarovalni nadzor,
- ki je Agenciji za zavarovalni nadzor na podlagi njene zahteve izdane v skladu s prvim odstavkom 456. člena tega zakona, posredovala nepravilne, nepopolne ali zavajajoče, podatke.

623. člen
(prekrškovni organ)

Prekrškovni organ, ki odloča o prekrških, storjenih po tem zakonu, in izreka globe po tem zakonu, je v skladu z zakonom, ki ureja

(3) An individual referred to in paragraph one of Article 266 of this Act shall be fined from EUR 400 to EUR 3,000 for the offence of violating the obligation to protect confidential data.

Article 622
(Violations regarding duty to provide data required to conduct supervision)

(1) A legal person shall be fined from EUR 1,000 to EUR 50,000 for:
- failing to provide data requested by the Insurance Supervision Agency pursuant to paragraph one of Article 456 of this Act,
- providing false, incomplete or misleading data to the Insurance Supervision Agency at its request pursuant to paragraph one of Article 456 of this Act.

(2) A sole trader or an individual who performs independent activities shall be fined from EUR 1,000 to EUR 25,000 for the offences referred to in the preceding paragraph.

(3) The responsible person of the legal person, a sole trader, an individual who performs independent activities or the responsible person of a state authority or self-governing local community shall be fined from EUR 800 to EUR 8,000 for the offences referred to in paragraph one of this Article.

(4) An individual shall be fined from EUR 40 to EUR 5,000 for:
- failing to provide data requested by the Insurance Supervision Agency pursuant to paragraph one of Article 456 of this Act,
- providing false, incomplete or misleading data to the Insurance Supervision Agency at its request pursuant to paragraph one of Article 456 of this Act.

Article 623
(Minor offence authority)

The minor offence authority that decides on offences committed under this Act and imposes fines under this Act shall be, pursuant to the

prekrške, Agencija za zavarovalni nadzor.

624. člen
(postopek o prekršku)

(1) Postopek o prekršku vodi in v njem odloča pooblaščena uradna oseba Agencije za zavarovalni nadzor, ki izpolnjuje pogoje po zakonu, ki ureja prekrške, in na njegovi podlagi sprejetih predpisov.

(2) Agencija za zavarovalni nadzor z notranjim aktom, ki ureja organizacijo in sistemizacijo delovnih mest, podrobneje določi pogoje in način za podelitev in prenehanje pooblastila osebi, ki se šteje za pooblaščeno uradno osebo Agencije za zavarovalni nadzor iz prejšnjega odstavka.

(3) Za prekrške iz tega zakona se sme v hitrem postopku izreči globa tudi v znesku, ki je višji od najnižje predpisane globe, določene s tem zakonom.

19. poglavje:

PREHODNE IN KONČNE DOLOČBE

625. člen
(merila za razvrstitev v razrede v skladu z izvedbenimi predpisi na podlagi 308.b člena Direktive 2009/138/ES)

(1) Ne glede na 197. člen tega zakona se postavke osnovnih lastnih virov sredstev v obdobju desetih let po 1. januarju 2016 vključijo v prvi razred pod pogojem, da:
- so bile te postavke izdane pred 1. januarjem 2016 ali pred datumom začetka veljavnosti delegiranega akta iz 97. člena Direktive 2009/138/ES, pri čemer se upošteva datum, ki je zgodnejši;
- jih je bilo do 31. decembra 2015 mogoče uporabiti kot dodatni kapital iz 1. do 3. točke prvega odstavka 107. člena Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno

Act governing minor offences, the Insurance Supervision Agency.

Article 624
(Minor offence proceedings)

(1) Minor offence proceedings shall be conducted and decided upon by an authorised official person of the Insurance Supervision Agency that meets the conditions pursuant to the Act governing minor offences and regulations adopted on the basis thereof.

(2) The Insurance Supervision Agency shall determine in detail by an internal act regulating organisation and job classification the terms and conditions and the method of granting and terminating the authorisation of a person deemed to be an authorised official person of the Insurance Supervision Agency referred to in the preceding paragraph.

(3) A fine in an amount higher than the minimum statutory fine provided by this Act may also be imposed in a fast-track procedure for the offences referred to in this Act.

Chapter Nineteen

TRANSITIONAL AND FINAL PROVISIONS

Article 625
(Criteria for classification into tiers pursuant to the implementing regulations on the basis of Article 308.b of Directive 2009/138/EC)

(1) Notwithstanding Article 197 of this Act, basic own funds items shall, within the period of ten years after 1 January 2016, be included in Tier 1 subject to the following condition:
- these items were established prior to 1 January 2016 or prior to the date of the entry into force of a delegated act referred to in Article 97 of Directive 2009/138/EC, whichever date is earlier;
- it was possible to use them as additional capital referred to in points 1 to 3 of paragraph one of Article 107 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 –

besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) za pokrivanje razpoložljivega kapitala do 50% zahtevanega minimalnega kapitala;

- sicer ne bi bile razvrščene v prvi ali v drugi razred po 197. členu tega zakona.

(2) Ne glede na 197. člen tega zakona se postavke osnovnih lastnih virov sredstev v obdobju do največ desetih let po 1. januarju 2016 vključijo v drugi razred, pod pogojem, da:
- so bile te postavke izdane pred 1. januarjem 2016 ali pred datumom začetka veljavnosti delegiranega akta iz 97. člena Direktive 2009/138/ES, pri čemer se upošteva datum, ki je zgodnejši;
- jih je bilo do 31. decembra 2015 lahko uporabiti kot dodatni kapital iz 1. do 3. točke prvega odstavka 107. člena Zakon o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13, 63/13 – ZS-K in 66/14) za pokrivanje razpoložljivega kapitala do 25% zahtevanega minimalnega kapitala.

626. člen
(meje zahtevanega minimalnega kapitala)

Pri izračunu zahtevanega minimalnega kapitala lahko Agencija za zavarovalni nadzor do 31. decembra 2017 od zavarovalnice zahteva, da delež iz šestega odstavka 234. člena tega zakona uporabi izključno za zahtevani solventnostni kapital, izračunan v skladu s 4.10.2. pododdelkom tega zakona.

627. člen
(skladnost z zahtevanim minimalnim kapitalom)

(1) Zavarovalnica, ki 31. decembra 2015 dosega minimalni kapital iz 110. ali 111. člena Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) in nima zadostnih primernih osnovnih lastnih virov sredstev za kritje zahtevanega minimalnega kapitala, ne glede na 249. in 312. člen tega zakona zadosti zahtevam iz 232. člena tega zakona do 31. decembra 2016.

official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) by 31 December 2015 to cover the available capital up to 50% of the minimum capital requirement;
- they would otherwise not have been classified into Tier 1 or Tier 2 pursuant to Article 197 of this Act.

(2) Notwithstanding Article 197 of this Act, basic own funds items shall, within the period up to ten years after 1 January 2016, be included in Tier 2 subject to the following condition:
- these items were established prior to 1 January 2016 or prior to the date of the entry into force of a delegated act referred to in Article 97 of Directive 2009/138/EC, whichever date is earlier;
- it was possible to use them as additional capital referred to in points 1 to 3 of paragraph one of Article 107 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13, 63/13 – ZS-K and 66/14) by 31 December 2015 to cover the available capital up to 25% of the minimum capital requirement.

Article 626
(Minimum capital requirement limits)

In calculating the minimum capital requirement the Insurance Supervision Agency may until 31 December 2017 require an insurance undertaking to apply the share referred to in paragraph six of Article 234 of this Act exclusively for the solvency capital requirement calculated pursuant to Subsection 4.10.2. of this Act.

Article 627
(Compliance with minimum capital requirement)

(1) An insurance undertaking which complies with the minimum capital referred to in Article 110 or 111 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) and does not have sufficient eligible basic own funds to cover the minimum capital requirement shall, notwithstanding Articles 249 and 312 of this Act, comply with the requirements referred to in Article 232 of this Act by 31 December 2016.

(2) Za zavarovalnico iz prvega odstavka tega člena se do 31. decembra 2016 ne uporabljata 250. člen in 2. točke prvega odstavka 312. člena tega zakona.

628. člen
(skladnost z zahtevanim solventnostnim kapitalom)

(1) Ne glede na četrti odstavek 249. člena tega zakona zahteva Agencija za zavarovalni nadzor od zavarovalnice, ki 31. decembra 2015 dosega minimalni kapital iz 110. ali 111. člena Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) in v prvem letu uporabe tega zakona nima zadostnih primernih lastnih virov sredstev za kritje zahtevanega solventnostnega kapitala, da zadosti zahtevam glede zahtevanega solventnostnega kapitala do 31. decembra 2017.

(2) Zavarovalnica iz prejšnjega odstavka Agenciji za zavarovalni nadzor vsake tri mesece posreduje poročilo o napredku, v katerem poroča o izvedenih ukrepih in napredku za zagotovitev skladnosti z zahtevanim solventnostnim kapitalom. V poročilu o napredku zavarovalnica poroča predvsem o razvoju primernih lastnih virov sredstev ter o profilu tveganj.

(3) Podaljšanje roka iz prvega odstavka tega člena lahko Agencija za zavarovalni nadzor prekliče, če je iz poročila o napredku iz prejšnjega odstavka razvidno, da ni bistvenega napredka pri ponovni vzpostavitvi primernih lastnih virov sredstev za kritje zahtevanega solventnostnega kapitala od datuma, ko je bila ugotovljena neskladnost z zahtevanim solventnostnim kapitalom, do datuma predložitve poročila o napredku.

629. člen
(poročilo o solventnosti in finančnem položaju)

Agencija za zavarovalni nadzor lahko določi, brez vplivanja na razkritja, ki so obvezna v okviru drugih poročanj zavarovalnice, da v

(2) Article 250 and point 2 of paragraph one of Article 312 of this Act shall not apply to an insurance undertaking referred to in paragraph one of this Article until 31 December 2016.

Article 628
(Compliance with solvency capital requirement)

(1) Notwithstanding paragraph four of Article 249 of this Act, the Insurance Supervision Agency shall require an insurance undertaking which, as at 31 December 2015, complies with the minimum capital requirement referred to in Article 110 or 111 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) and that does not have sufficient eligible own funds to cover the solvency capital requirement in the first year of the application of this Act, to comply with the requirements of the solvency capital requirement by 31 December 2017.

(2) The insurance undertaking referred to in the preceding paragraph shall every three months submit a progress report to the Insurance Supervision Agency on measures taken and progress made to ensure compliance with the solvency capital requirement. An insurance undertaking shall, in the progress report, report principally on the development of eligible own funds and on the risk profile.

(3) The Insurance Supervision Agency may revoke the deadline extension referred to in paragraph one of this Article if it is evident from the progress report referred to in the preceding paragraph that no substantial progress has been made regarding the re-establishment of eligible own funds to cover the solvency capital requirement from the date when non-compliance with the solvency capital requirement was identified and up to the date of submission of the progress report.

Article 629
(Solvency and financial condition report)

The Insurance Supervision Agency may determine without influencing disclosures which are mandatory in the context of other reports

poročilu o solventnosti in finančnem položaju kljub zahtevi po razkritju celotnega zahtevanega solventnostega kapitala iz druge alineje 5. točke drugega odstavka 261. člena tega zakona do 31. decembra 2020 ni treba ločeno razkriti kapitalskega dodatka ali vpliva parametrov, prilagojenih zavarovalnici oziroma njenim privzetim tveganjem, ki jih uporablja zavarovalnica v skladu z 217. členom tega zakona.

630. člen
(preoblikovana posojila)

Za zavarovalnico, ki vlaga v vrednostne papirje, s katerimi se trguje, ali druge finančne instrumente, ki temeljijo na preoblikovanih posojilih, ki so bila izdana pred 1. januarjem 2011, se zahteve iz druge alineje prvega odstavka 236. člena tega zakona uporabljajo le, če so bile nove osnovne izpostavljenosti dodane ali zamenjane po 31. decembru 2014.

631. člen
(solventnost skupine)

Ne glede na določbe prvega in drugega odstavka 376. člena tega zakona se v skladu z izvedbenimi ukrepi, ki jih izda Evropska komisija na podlagi osmega odstavka 308.a člena Direktive 2009/138/ES, za solventnost skupine smiselno uporabljajo 625., 630., 636. in 639. do 641. člen tega zakona.

632. člen
(ekvivalentnost tretjih držav)

(1) Čeprav Evropska komisija ali Agencija za zavarovalni nadzor za tretjo državo nista ugotovili popolne ekvivalentnosti, se največ pet let od uveljavitve tega zakona režim tretje države obravnava kot ekvivalenten za namen:

- iz 1. točke drugega odstavka 137. člena tega zakona, če je Evropska komisija sprejela odločitev, da tretja država izpolnjuje pogoje iz aktov na podlagi četrtega odstavka 172. člena Direktive 2009/138/ES;

of an insurance undertaking, that a separate disclosure of the capital add-on or the effect of parameters adjusted to an insurance undertaking or to its default risks applied by the insurance undertaking pursuant to Article 217 of this Act shall not be required in the solvency and financial condition report until 31 December 2020, notwithstanding the requirement to disclose the total solvency capital requirement referred to in indent two of point 5 of paragraph two of Article 261 of this Act.

Article 630
(Repackaged loans)

The requirements referred to in indent two of paragraph one of Article 236 of this Act shall apply to an insurance undertaking investing in tradable securities or other financial instruments based on repackaged loans that were issued before 1 January 2011 only if new underlying exposures have been added or substituted after 31 December 2014.

Article 631
(Group solvency)

Notwithstanding the provisions of paragraphs one and two of Article 376 of this Act, Articles 625, 630, 636 and 639 to 641 of this Act shall apply, *mutatis mutandis*, to group solvency pursuant to the implementation measures issued by the European Commission on the basis of Article 308a(8) of Directive 2009/138/EC.

Article 632
(Equivalence of third countries)

(1) Even if the European Commission or the Insurance Supervision Agency have failed to identify complete equivalence of a third country, the regime of a third country shall be considered equivalent for a maximum of five years as of the entry into force of this Act, for the purpose:

- referred to in point 1 of paragraph two of Article 137 of this Act if the European Commission has adopted a decision that a third country fulfils the conditions pursuant to acts on the basis of Article 172(4) of

- iz drugega odstavka 387. člena tega zakona, če je Evropska komisija sprejela odločitev, da tretja država izpolnjuje pogoje iz aktov na podlagi petega odstavka 227. člena Direktive 2009/138/ES;

- iz 404. člena tega zakona, če je Evropska komisija sprejela odločitev, da tretja država izpolnjuje pogoje iz aktov na podlagi petega odstavka 260. člena Direktive 2009/138/ES.

(2) Agencija za zavarovalni nadzor opravlja v obdobju iz prejšnjega odstavka nadzor na ravni skupine v skladu s 356. in 357. členom tega zakona kljub odločitvi iz tretje alineje prejšnjega odstavka, če ima zavarovalnica s sedežem v državi članici večjo bilančno vsoto od nadrejene družbe s sedežem v tretji državi.

633. člen
(prenehanje dovoljenja za opravljanje poslov, ki so z zavarovalnimi posli v neposredni zvezi)

(1) Z dnem uveljavitve tega zakona prenehajo veljati dovoljenja zavarovalnic, ki so jih pridobila na podlagi sedmega odstavka 14. člena Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K). Agencija za zavarovalni nadzor izda ugotovitveno odločbo o prenehanju dovoljenja.

(2) Zavarovalnice, ki so pridobile dovoljenja iz sedmega odstavka 14. člena Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K), prenehajo opravljati posle iz prejšnjega odstavka v roku štirih mesecev od uveljavitve tega zakona.

(3) Postopki za izdajo dovoljenj iz sedmega odstavka 14. člena Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K), ki so bili začeti pred uveljavitvijo tega zakona, se ustavijo. O ustavitvi postopka Agencija za

Directive 2009/138/EC;
- referred to in paragraph two of Article 387 of this Act if the European Commission has adopted a decision that a third country fulfils the conditions pursuant to acts on the basis of Article 227(5) of Directive 2009/138/EC;
- referred to in Article 404 of this Act if the European Commission has adopted a decision that a third country fulfils the conditions pursuant to acts on the basis of Article 260(5) of Directive 2009/138/EC.

(2) The Insurance Supervision Agency shall in the period referred to in the preceding paragraph conduct supervision at group level pursuant to Articles 356 and 357 of this Act, notwithstanding the decision referred to in indent three of the preceding paragraph if the balance sheet total of an insurance undertaking with its head office in a Member State is greater than that of the parent company with its head office in a third country.

Article 633
(Termination of authorisation to conduct business directly related to insurance business)

(1) On the day this Act enters into force, the authorisations of insurance undertakings obtained on the basis of paragraph seven of Article 14 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) shall terminate. The Insurance Supervision Agency shall issue a declaratory decision on the termination of authorisation.

(2) Insurance undertakings that have obtained the authorisation referred to in paragraph seven of Article 14 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) shall cease to conduct business referred to in the preceding paragraph within four months of the entry into force of this Act.

(3) Procedures for issuing the authorisation referred to in paragraph seven of Article 14 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) that were initiated prior to

zavarovalni nadzor izda sklep o ustavitvi postopka.

634. člen
(opravljanje nalog notranje revizije)

Zavarovalnica lahko za nosilca funkcije notranje revizije pooblasti tudi osebo, ki je imela na dan pričetka uporabe tega zakona naziv revizor ali pooblaščeni revizor in pet let delovnih izkušenj iz opravljanja nalog notranje revizije v zavarovalnici.

635. člen
(uskladitev zavarovalnic z opravljanjem pozavarovalnih poslov)

Zavarovalnice, ki na dan uveljavitve tega zakona opravljajo pozavarovalne posle na podlagi desetega odstavka 14. člena zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) prenehajo z opravljanjem teh poslov v roku šestih mesecev od začetka uporabe tega zakona, če v tem času ne pridobijo ustreznega dovoljenja za opravljanje zavarovalnih poslov pozavarovanj v skladu z enajstim odstavkom 26. člena tega zakona.

636. člen
(kalibracija – podmodul tržne koncentracije in podmodultveganja kreditnih pribitkov)

Ne glede na določbo tretjega odstavka 206. člena tega zakona se:

a) do 31. decembra 2017 v izračunu podmodula tveganja kreditnih pribitkov iz 4. točke drugega odstavka 210. člena tega zakona in podmodula tržne koncentracije iz 6. točke drugega odstavka 210. člena tega zakona v standardni formuli uporabljajo parametri, ki so enaki parametrom glede na izpostavljenost do držav članic EU ali do centralnih bank držav članic EU, denominiranih in financiranih v

the entry into force of this Act shall be suspended. Regarding the suspension of a procedure, the Insurance Supervision Agency shall issue a procedural decision on the suspension of procedure.

Article 634
(Performance of internal auditing duties)

An insurance undertaking may also appoint as the holder of the internal audit function a person who on the day of the entry of this Act into force holds the title of auditor or certified auditor and has five years' work experience performing internal auditing duties in an insurance undertaking.

Article 635
(Harmonisation of insurance undertakings with conducting reinsurance business)

Insurance undertakings that, on the day of the entry into force of this Act, conduct reinsurance business pursuant to paragraph ten of Article 14 of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) shall cease to conduct such business within six months of the day this Act enters into force if they fail to obtain the required authorisation to conduct reinsurance business pursuant to paragraph eleven of Article 26 of this Act within this time.

Article 636
(Calibration – market concentration sub-module and spread risk sub-module)

Notwithstanding the provision of paragraph three of Article 206 of this Act:

a) until 31 December 2017 the parameters to be used in the calculation of the spread risk sub-module referred to in point 4 of paragraph two of Article 210 of this Act and market concentration sub-module referred to in point 6 of paragraph two of Article 210 of this Act in the standard formula shall be equal to the parameters in relation to exposures to EU Member States or to the central banks of EU

domači valuti katerekoli države članice, kot bi se uporabljali za izpostavljenosti, denominirane in financirane v njihovi domači valuti;

b) v letu 2018 parametri za izračun podmodula tveganja kreditnih pribitkov iz 4. točke drugega odstavka 210. člena tega zakona in podmodula tržne koncentracije iz 6. točke drugega odstavka 210. člena tega zakona v standardni formuli zmanjšajo za 80% glede na izpostavljenost do držav članic EU ali do centralnih bank držav članic EU, denominiranih in financiranih v domači valuti katerekoli države članice;
c) v letu 2019 parametri za izračun podmodula tveganja kreditnih pribitkov iz 4. točke drugega odstavka 210. člena tega zakona in podmodula tržne koncentracije iz 6. točke drugega odstavka 210. člena tega zakona v standardni formuli zmanjšajo za 50% glede na izpostavljenost do držav članic EU ali do centralnih bank držav članic EU, denominiranih in financiranih v domači valuti katerekoli države članice;
d) od 1. januarja 2020 parametri za izračun podmodula tveganja kreditnih pribitkov iz 4. točke drugega odstavka 210. člena tega zakona in podmodula tržne koncentracije iz 6. točke drugega odstavka 210. člena tega zakona v standardni formuli ne zmanjšajo glede na izpostavljenost do držav članic EU ali do centralnih bank držav članic EU, denominiranih in financiranih v domači valuti katerekoli države članice.

637. člen
(kalibracija – podmodul tveganja lastniških vrednostnih papirjev)

(1) Ne glede na določbo tretjega odstavka 206. člena tega zakona se parametri, ki se uporabljajo za lastniške vrednostne papirje, ki jih zavarovalnica kupi do vključno 1. januarja 2016, za podmodul tveganja lastniških vrednostnih papirjev iz 212. člena tega zakona, izračunanim z uporabo standardne formule, izračunajo kot tehtano povprečje:
a) parametra, ki se uporabi pri izračunu podmodula tveganja lastniških vrednostnih papirjev iz 213. člena tega zakona, ki temelji na trajanju, in
b) parametra, ki se uporabi pri izračunu podmodula tveganja lastniških vrednostnih papirjev iz 212. člena tega zakona.

(2) Teža parametra, izraženega v b) točki prejšnjega odstavka,

Member States denominated and funded in the domestic currency of any Member State, and which would be applied to such exposures denominated and funded in their domestic currency;
b) in 2018 the parameters for the calculation of the spread risk sub-module referred to in point 4 of paragraph two of Article 210 of this Act and market concentration sub-module referred to in point 6 of paragraph two of Article 210 of this Act in the standard formula shall be reduced by 80% in relation to exposures to EU Member States or to the central banks of EU Member States denominated and funded in the domestic currency of any other Member State;
c) in 2019 the parameters for the calculation of the spread risk sub-module referred to in point 4 of paragraph two of Article 210 of this Act and market concentration sub-module referred to in point 6 of paragraph two of Article 210 of this Act in the standard formula shall be reduced by 50% in relation to exposures to EU Member States or to the central banks of EU Member States denominated and funded in the domestic currency of any other Member State;
d) from 1 January 2020 the parameters for the calculation of the spread risk sub-module referred to in point 4 of paragraph two of Article 210 of this Act and market concentration sub-module referred to in point 6 of paragraph two of Article 210 of this Act in the standard formula shall not be reduced in relation to exposures to EU Member States or to the central banks of EU Member States denominated and funded in the domestic currency of any other Member State.

Article 637
(Calibration – equity risk sub-module)

(1) Notwithstanding the provision of paragraph three of Article 206 of this Act, the parameters used for equity securities purchased by an insurance undertaking on or before 1 January 2016, for the equity risk sub-module referred to in Article 212 of this Act calculated by using the standard formula, shall be calculated as the weighted averages of:
a) the parameter to be used in calculating the equity risk sub-module referred to in Article 213 of this Act, which is based on duration, and
b) the parameter to be used in calculating the equity risk sub-module referred to in Article 212 of this Act.

(2) The weight for the parameter expressed in point b) of the

se linearno povečuje od 0% na dan 1. januar 2016 do 100% na dan 1. januar 2023.

(3) Pri uporabi tega člena se upoštevajo tudi:

- zahtevana merila, vključno z lastniškimi vrednostnimi papirji, za katere velja prehodno obdobje, ki jih določi Evropska komisija z akti, ki jih sprejme na podlagi trinajstega odstavka 308.b člena Direktive 2009/138/ES, in
- postopki za uporabo prejšnjega odstavka, ki jih določi Evropska komisija z izvedbeni tehnični standardi na podlagi trinajstega odstavka 308.b člena Direktive 2009/138/ES.

638. člen
(notranji model skupine)

Zavarovalnica lahko v obdobju do 31. marca 2022 zaprosi za dovoljenje za uporabo notranjega modela skupine, ki se uporablja za del skupine, če imata zavarovalnica in končna nadrejena zavarovalnica sedež v Republiki Sloveniji in če ta del predstavlja samostojen del, katerega profil tveganja se bistveno razlikuje od preostanka skupine.

639. člen
(prehodna prilagoditev za krivuljo netvegane obrestne mere)

(1) Zavarovalnica lahko za zavarovalne obveznosti iz petega odstavka tega člena uporabi prehodne prilagoditve za krivuljo netvegane obrestne mere, če za to pridobi dovoljenje Agencije za zavarovalni nadzor.

(2) Prilagoditev za krivuljo netvegane obrestne mere se za vsako valuto izračuna kot delež razlike med:

a) obrestno mero, ki jo je zavarovalnica uporabljala za izračun zavarovalnih obveznosti, za katere se uporablja prilagoditev krivulje netvegane obrestne mere, na dan 31. december 2015, in
b) letno efektivno obrestno mero, izračunano kot enotna diskontna stopnja, ki, kadar se uporabi za denarne tokove portfelja zavarovalnih

preceding paragraph shall increase linearly from 0% on 1 January 2016 to 100% on 1 January 2023.

(3) In applying this Article, the following shall also be taken into account:

- the required criteria, including equity securities which are subject to the transitional period, laid down by the European Commission by acts adopted on the basis of Article 308b(13) of Directive 2009/138/EC, and
- procedures for applying the preceding paragraph laid down by the European Commission by implementing technical standards on the basis of Article 308b(13) of Directive 2009/138/EC.

Article 638
(Group internal model)

An insurance undertaking may in the period up to 31 March 2022 request permission for the use of the group internal model, used for a part of the group, if the insurance undertaking and the ultimate parent insurance undertaking have their head offices in the Republic of Slovenia and if this part forms a distinct part having a significantly different risk profile from the rest of the group.

Article 639
(Transitional adjustment of risk-free interest rate term structure)

(1) An insurance undertaking may apply transitional adjustments of the risk-free interest rate term structure with respect to insurance obligations referred to in paragraph five of this Article if it obtains authorisation from the Insurance Supervision Agency.

(2) An adjustment of the risk-free interest rate term structure shall be calculated for each currency as a share of the difference between:

a) the interest rate as at 31 December 2015 applied by the insurance undertaking to calculate the insurance obligations for which the adjustment of the risk-free interest rate term structure is applied, and
b) the annual effective interest rate, calculated as the single discount rate that, where applied to the cash-flows of the portfolio of insurance

obveznosti, za katere se uporablja prilagoditev krivulje netvegane obrestne mere, privede do vrednosti, ki je enaka vrednosti najboljše ocene tega portfelja, kadar se upošteva časovna vrednost denarja ob uporabi netvegane obrestne mere iz 181. člena tega zakona.

(3) Delež iz prejšnjega odstavka se na koncu vsakega leta linearno zmanjša s 100% v letu, ki se začne 1. januarja 2016, na 0% v letu, ki se začne 1. januarja 2032.

(4) Če zavarovalnice uporabijo prilagoditev za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona, je ustrezna krivulja netvegane obrestne mere iz b) točke drugega odstavka tega člena krivulja netvegane obrestne mere, izračunana z upoštevanjem prilagoditve za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona.

(5) Zavarovalnice lahko pridobijo dovoljenje za uporabo krivulje netvegane obrestne mere iz tega člena le za zavarovalne obveznosti, ki izpolnjujejo naslednje pogoje:

a) pogodbe, na podlagi katerih so nastale zavarovalne obveznosti, so bile sklenjene pred 1. januarjem 2016, pri čemer so podaljšanja pogodb po tem datumom izvzeta;
b) zavarovalno-tehnične rezervacije za zavarovalne obveznosti so bile do vključno 1. decembra 2015 določene v skladu z Zakonom o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) in Sklepom o podrobnejših pravilih in minimalnih standardih za izračun zavarovalno-tehničnih rezervacij (Uradni list RS, št. 3/01, 69/01, 85/05 in 66/08);
c) zavarovalnica ne uporablja 182. člena tega zakona za izračun zavarovalnih obveznosti.

(6) Zavarovalnice, ki imajo dovoljenje za uporabo krivulje netvegane obrestne mere iz tega člena:

a) v izračun prilagoditve za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona ne vključujejo zavarovalnih obveznosti, za katere uporabljajo krivulje netvegane obrestne mere iz tega člena;
b) ne uporabljajo 640. člena tega zakona;
c) v poročilu o solventnosti in finančnem položaju iz 261. člena tega

obligations for which the adjustment of the risk-free interest rate term structure is applied, results in a value that is equal to the value of the best estimate of such portfolio, where the time value of money is taken into account using the relevant risk-free interest rate term structure referred to in Article 181 of this Act.

(3) The share referred to in the preceding paragraph shall decrease linearly from 100% in the year starting on 1 January 2016 to 0% in the year starting on 1 January 2032.

(4) If insurance undertakings apply the volatility adjustment for the risk-free interest rate term structure referred to in Article 184 of this Act, the relevant risk-free interest rate term structure referred to in point b) of paragraph two of this Article shall be the risk-free interest-rate term structure calculated by applying the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act.

(5) Insurance undertakings may obtain authorisation to apply the risk-free interest rate term structure referred to in this Article only with regard to insurance obligations that meet the following conditions:

a) the contracts that give rise to the insurance obligations were concluded prior to 1 January 2016, excluding contract renewals on or after that date;
b) b)technical provisions for insurance obligations were determined on or before 1 December 2015 pursuant to the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) and the Decision on detailed rules and minimum standards for the calculation of technical reserves (Official Gazette of the Republic of Slovenia *[Uradni list RS]* Nos 3/01, 69/01, 85/05 and 66/08);
c) the insurance undertaking shall not apply Article 182 of this Act for the calculation of insurance obligations.

(6) Insurance undertakings with authorisation to apply the risk-free interest rate term structure referred to in this Article:

a) shall not include insurance obligations for which they apply the risk-free interest rate term structures referred to in this Article to calculate the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act;
b) shall not apply Article 640 of this Act;
c) in the solvency and financial condition report referred to in Article 261

zakona javno razkrijejo, da uporabljajo prehodne prilagoditve za krivulja netvegane obrestne mere, in navedejo finančni učinek neuporabe tega prehodnega ukrepa na njihov finančni položaj.

640. člen
(prehodni ukrep glede zavarovalno-tehničnih rezervacij)

(1) Zavarovalnica lahko pri zavarovalno-tehničnih rezervacijah uporabi prehodni odbitek, če za to pridobi dovoljenje Agencije za zavarovalni nadzor. Navedeni odbitek se lahko uporabi na ravni homogenih skupin tveganj iz 187. člena tega zakona.

(2) Prehodni odbitek ustreza deležu razlike med naslednjima dvema zneskoma:

a) višino zavarovalno-tehničnih rezervacij po odbitku izterljivih zneskov iz pozavarovalnih pogodb in namenskih družb, izračunanih v skladu s 177. členom tega zakona po stanju na dan 31. december 2015, in

b) višino zavarovalno-tehničnih rezervacij po odbitku izterljivih zneskov iz pozavarovalnih pogodb, izračunanih v skladu z Zakonom o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) in Sklepom o podrobnejših pravilih in minimalnih standardih za izračun zavarovalno-tehničnih rezervacij (Uradni list RS, št. 3/01, 69/01, 85/05 in 66/08) po stanju na dan 31. december 2015.

(3) Odbitni delež, izračunan v skladu s prejšnjim odstavkom, se na koncu vsakega leta linearno zmanjša s 100% v letu, ki se začne 1. januarja 2016, na 0% v letu, ki se začne 1. januarja 2032.

(4) Če zavarovalnice na dan 1. januar 2016 uporabijo prilagoditve za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona, se znesek iz a) točke drugega odstavka tega člena izračuna s prilagoditvijo za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona na ta dan.

of this Act, they shall publicly disclose that they apply the transitional risk-free interest rate term structure, and shall state the financial impact of not applying this transitional measure on their financial condition.

Article 640
(Transitional measure on technical provisions)

(1) An insurance undertaking may apply a transitional deduction to technical provisions if it obtains authorisation from the Insurance Supervision Agency. That deduction may be applied at the level of homogeneous risk groups referred to in Article 187 of this Act.

(2) The transitional deduction shall correspond to a share of the difference between the following two amounts:

a) the amount of technical provisions after deduction of the amounts recoverable from reinsurance contracts and special purpose vehicles, calculated pursuant to Article 177 of this Act, as at 31 December 2015, and
b) the amount of technical provisions after deduction of the amounts recoverable from reinsurance contracts calculated pursuant to the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) and the Decision on detailed rules and minimum standards for the calculation of technical reserves (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 3/01, 69/01, 85/05 and 66/08) as at 31 December 2015.

(3) The deductible share calculated pursuant to the preceding paragraph, shall decrease linearly at the end of each year from 100% in the year starting on 1 January 2016 to 0% in the year starting on 1 January 2032.

(4) If insurance undertakings on 1 January 2016 apply the volatility adjustment for the risk-free interest rate term structure referred to in Article 184 of this Act, the amount referred to in point a) of paragraph two of this Article shall be calculated with the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act as at that day.

(5) Pod pogojem, da to predhodno dovoli Agencija za zavarovalni nadzor ali na njeno pobudo, se prehodni odbitki za izračun zavarovalno-tehničnih rezervacij, vključno, kjer je to treba, z zneskom prilagoditve za nestanovitnost krivulje netvegane obrestne mere iz 184. člena tega zakona, uporabljenim za izračun prehodnega odbitka iz a) in b) točke drugega odstavka tega člena, lahko preračunajo vsakih 24 mesecev ali pogosteje, če se profil tveganja zavarovalnice bistveno spremeni.

(6) Prehodni odbitek iz drugega odstavka tega člena lahko Agencija za zavarovalni nadzor omeji, če bi njegova uporaba povzročila zmanjšanje zahtev v zvezi s finančnimi viri, ki veljajo za zavarovalnice, če bi jih primerjali s tistimi, ki se izračunajo v skladu z Zakonom o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K) in Sklepom o podrobnejših pravilih in minimalnih standardih za izračun zavarovalno-tehničnih rezervacij (Uradni list RS, št. 3/01, 69/01, 85/05 in 66/08).

(7) Zavarovalnice, ki uporabljajo prvi odstavek tega člena:

a) ne uporabljajo 639. člena tega zakona;
b) Agenciji za zavarovalni nadzor vsako leto pedložijo poročilo, v katerem navedejo sprejete ukrepe in doseženi napredek pri ponovni vzpostavitvi usklajenosti primernih lastnih sredstev z zahtevanim solventnostnim kapitalom ali pri zmanjšanju profila tveganja z namenom ponovne vzpostavitve usklajenosti z zahtevanim solventnostnim kapitalom po preteku prehodnega obdobja iz tretjega odstavka tega člena, če zavarovalnica brez uporabe prehodnega odbitka ne izpolnjuje kapitalskih zahtev;

c) v poročilu o solventnosti in finančnem položaju iz 261. člena tega zakona javno razkrijejo, da uporabljajo prehodni odbitek pri izračunu zavarovalno-tehničnih rezervacijah, in navedejo finančne učinke neuporabe prehodnega ukrepa na njihov finančni položaj.

641. člen

(5) Subject to prior approval by or on the initiative of the Insurance Supervision Agency, transitional deductions to calculate technical provisions, including where necessary by using the amount of the volatility adjustment of the risk-free interest rate term structure referred to in Article 184 of this Act used to calculate the transitional deduction referred to in points a) and b) of paragraph two of this Article, may be recalculated every 24 months, or more frequently where the risk profile of an insurance undertaking has materially changed.

(6) The transitional deduction referred to in paragraph two of this Article may be limited by the Insurance Supervision Agency if its application could result in a reduction in the requirements with regard to the financial resources that apply to insurance undertakings when compared to those calculated pursuant to the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) and the Decision on detailed rules and minimum standards for the calculation of technical reserves (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 3/01, 69/01, 85/05, and 66/08).

(7) Insurance undertakings which apply paragraph one of this Article:

a) shall not apply Article 639 of this Act;
b) shall annually submit a report to the Insurance Supervision Agency setting out adopted measures and progress made with regard to the re-establishment of compliance of eligible own funds with the solvency capital requirement or with regard to reducing the risk profile for the purpose of restoring compliance with the solvency capital requirement after the expiry of the transitional period referred to in paragraph three of this Article, if the insurance undertaking fails to comply with capital requirements without application of the transitional deduction;
c) in the solvency and financial condition report referred to in Article 261 of this Act, they shall publicly disclose that they apply a transitional deduction in calculating technical provisions, and shall state the financial impact of not applying this transitional measure on their financial condition.

Article 641

(načrt postopnega uvajanja prehodnih ukrepov glede krivulje netvegane obrestne mere in zavarovalno-tehničnih rezervacij)

(1) Zavarovalnice, ki uporabljajo prehodne ukrepe iz 639. in 640. člena tega zakona, obvestijo Agencijo za zavarovalni nadzor takoj, ko ugotovijo, da ne bodo izpolnjevale zahtev o zahtevanem solventnostnem kapitalu, če ne bodo uporabljale prehodnih ukrepov.

(2) Agencija za zavarovalni nadzor od zavarovalnic iz prejšnjega odstavka zahteva, da sprejmejo potrebne ukrepe, s katerimi bodo po preteku prehodnega obdobja zagotovile skladnost z zahtevanim solventnostnim kapitalom.

(3) Zavarovalnice iz prvega odstavka tega člena v dveh mesecih od datuma, ko je bila ugotovljena neskladnost z zahtevanim solventnostnim kapitalom, Agenciji za zavarovalni nadzor predložijo načrt postopnega uvajanja, v katerem brez uporabe omenjenih prehodnih ukrepov navedejo načrtovane ukrepe za vzpostavitev ravni primernih lastnih sredstev za kritje zahtevanega solventnostnega kapitala ali za zmanjšanje profila tveganja zaradi zagotovitve skladnosti z zahtevanim solventnostnim kapitalom po preteku prehodnega obdobja. Zavarovalnica lahko med prehodnim obdobjem načrt postopnega uvajanja posodobi.

(4) Zavarovalnice iz prvega odstavka tega člena predložijo Agenciji za zavarovalni nadzor letno poročilo, v katerem navedejo sprejete ukrepe in doseženi napredek pri zagotovitvi skladnosti z zahtevanim solventnostnim kapitalom po preteku prehodnega obdobja.

(5) Agencija za zavarovalni nadzor razveljavi dovoljenje za uporabo prehodnih ukrepov, če iz poročila o napredku izhaja, da je skladnost z zahtevanim solventnostnim kapitalom po preteku prehodnega obdobja nerealistična.

642. člen
(uskladitev zavarovalnih oziroma pozavarovalnih poolov)

(1) Zavarovalni oziroma pozavarovalni pooli, ki na dan začetka uporabe tega zakona opravljajo dejavnost zavarovalnega oziroma

(Phasing-in plan of transitional measures on risk-free interest rates term structure and technical provisions)

(1) Insurance undertakings which apply the transitional measures referred to in Articles 639 and 640 of this Act shall, as soon as they observe that they would not comply with the solvency capital requirements, if they do not apply the transitional measures, notify the Insurance Supervision Agency.

(2) The Insurance Supervision Agency shall require the insurance undertakings referred to in the preceding paragraph to take the necessary measures to ensure compliance with the solvency capital requirement after the expiry of the transitional period.

(3) Within two months of the date when non-compliance with the solvency capital requirement was observed, insurance undertakings referred to in paragraph one of this Article shall submit to the Insurance Supervision Agency a phasing-in plan setting out the planned measures to establish the level of eligible own funds covering the solvency capital requirement or to reduce the risk profile to ensure compliance with the solvency capital requirement after the expiry of the transitional period without application of the mentioned transitional measures. An insurance undertaking may update the phasing-in plan during the transitional period.

(4) Insurance undertakings referred to in paragraph one of this Article shall submit an annual report to the Insurance Supervision Agency setting out the measures taken and the progress made to ensure compliance with the solvency capital requirement after the expiry of the transitional period.

(5) The Insurance Supervision Agency shall abrogate the authorisation to apply transitional measures if it is evident from the progress report that compliance with the solvency capital requirement after the expiry of the transitional period is unrealistic.

Article 642
(Harmonisation of insurance or reinsurance pools)

(1) Insurance or reinsurance pools conducting insurance or reinsurance pools activities on the day this Act enters into force shall

pozavarovalnega poola, Agenciji za zavarovalni nadzor v roku šestih mesecev od dneva pričetka uporabe tega zakona predložijo poročilo in dokaze o uskladitvah z določbami tega zakona.

(2) Če iz poročila iz prejšnjega odstavka in iz poročilu priloženih dokazov izhaja, da se je zavarovalni oziroma pozavarovalni pool uskladil z določbami tega zakona, izda Agencija za zavarovalni nadzor zavarovalnemu oziroma pozavarovalnemu poolu dovoljenje za opravljanje dejavnosti zavarovalnega oziroma pozavarovalnega poola.

(3) Za osebo, ki na dan uveljavitve tega zakona opravlja funkcijo člana poslovodstva zavarovalnega oziroma pozavarovalnega poola in je to funkcijo opravljala najmanj štiri leta pred uveljavitvijo tega zakona, se šteje, da je dovoljenje za opravljanje te funkcije pridobila z dnem uveljavitve tega zakona.

643. člen
(uporaba 570. člena tega zakona)

(1) Ne glede na 8. točko prvega odstavka ter tretji odstavek 570. člena tega zakona, pogoji za odvzem dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja oziroma zavarovalnega posredovanja niso izpolnjeni, če sta obe kršitvi, ki se štejeta za ponavljajočo, bili storjeni pred uveljavitvijo tega zakona.

(2) Ne glede na 10. točko prvega odstavka 570. člena tega zakona ni podan razlog za odvzem dovoljenja za opravljanje dejavnosti zavarovalnega zastopanja oziroma zavarovalnega posredovanja, čeprav je družbenik, zakoniti zastopnik ali prokurist zavarovalno zastopniške oziroma posredniške družbe oseba, ki je bila družbenik ali zakoniti zastopnik katere zavarovalno zastopniške oziroma posredniške družbe kadarkoli v zadnjih dveh letih, preden ji je bilo odvzeto dovoljenje za opravljanje dejavnosti zavarovalnega zastopanja oziroma zavarovalnega posredovanja, pri čemer je postala odločba o odvzemu dovoljenja pravnomočna v zadnjih petih letih, če so hkrati izpolnjeni naslednji pogoji:

1. ta oseba je bila družbenik oziroma zakoniti zastopnik oziroma prokurist te družbe že na dan uveljavitve tega zakona in se ji položaj družbenika oziroma zakonitega zastopnika oziroma prokurista od dneva uveljavitve tega zakona do dneva ugotavljanja obstoja kršitve

submit a report and evidence concerning harmonisation with the provisions of this Act to the Insurance Supervision Agency within six months of this Act enters into force.

(2) If it is evident from the report referred to in the preceding paragraph and the attached evidence that the insurance or reinsurance pool has been harmonised with the provisions of this Act, the Insurance Supervision Agency shall issue authorisation to conduct insurance or reinsurance pool operations to the insurance or reinsurance pool.

(3) A person that performs the function of a member of the management of an insurance or reinsurance pool on the day this Act enters into force and has been performing this function for at least four years before this Act enters into force, shall be deemed to have acquired the authorisation to perform this function on the day this Act enters into force.

Article 643
(Application of Article 570 of this Act)

(1) Notwithstanding point 8 of paragraph one and paragraph three of Article 570 of this Act, the conditions for withdrawing authorisation to conduct insurance agency or insurance brokerage activities shall not be met if both violations which are deemed as repeated violations were committed before this Act enters into force.

(2) Notwithstanding point 10 of paragraph one of Article 570 of this Act, no reasons exist to withdraw authorisation to conduct insurance agency or brokerage activities, despite a company member, a legal representative or a holder of procuration of an insurance agency or brokerage company being a person who was a company member or a legal representative of an insurance agency or brokerage company any time in the previous two years prior to the withdrawal of an authorisation to conduct insurance agency or insurance brokerage activities, where the decision on the withdrawal of authorisation became final in the last five years, subject to the simultaneous fulfilment of the following conditions:

1. this person was a company member or a legal representative or a holder of procuration of this company on the day this Act enters into force and their position as a company member or a legal representative or a holder of procuration has not changed from the

ni spremenil, in

2. odvzem dovoljenja je postal pravnomočen pred dnevom uveljavitve tega zakona.

644. člen
(uskladitev sistemov izvensodnega reševanja sporov)

(1) Ponudniki zavarovalniških storitev, ki zagotavljajo reševanje sporov v skladu s 333.a členom Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13, 63/13 – ZS-K in 66/14), uskladijo način izvajanja izvensodnega reševanja sporov z zahtevami 579. člena tega zakona v šestih mesecih od dneva uveljavitve tega zakona.

(2) Do uskladitve iz prejšnjega odstavka se izvensodno reševanje sporov zagotavlja v skladu s 333.a. členom Zakon o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13, 63/13 – ZS-K in 66/14). Postopki, začeti pred uveljavitvijo tega zakona se dokončajo po dosedanjih predpisih.

645. člen
(izdaja predpisov)

(1) Agencija za zavarovalni nadzor izda predpise na podlagi tega zakona do 1. aprila 2016.

(2) Do uveljavitve predpisov iz prejšnjega odstavka se smiselno uporabljajo predpisi, izdani na podlagi Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 102/12, 56/13 in 63/13 – ZS-K), če niso v nasprotju s tem zakonom.

646. člen

day this Act enters into force to the day of determining the violation, and

2. the withdrawal of authorisation became final prior to the day this Act enters into force.

Article 644
(Harmonisation of out-of-court settlement of disputes system)

(1) Insurance services providers who provide for settlement of disputes pursuant to Article 333.a of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13, 63/13 – ZS-K, and 66/14) shall harmonise the manner of the out-of-court settlement of disputes with the requirements referred to in Article 579 of this Act within six months of this Act enters into force.

(2) Until the harmonisation referred to in the preceding paragraph, out-of-court settlement of disputes shall be conducted pursuant to Article 333.a of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13, 63/13 – ZS-K and 66/14). Procedures that were initiated prior to the entry into force of this Act shall be concluded in accordance with the regulations applicable to date.

Article 645
(Issuance of regulations)

(1) The Insurance Supervision Agency shall issue regulations on the basis of this Act by 1 April 2016.

(2) Prior to the entry into force of the regulations referred to in the preceding paragraph, the regulations issued on the basis of the Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – official consolidated text, 90/12, 102/12, 56/13 and 63/13 – ZS-K) shall apply, *mutatis mutandis*, provided that they are not in contravention of this Act.

Article 646

(razveljavitev predpisov)

(1) Z dnem uveljavitve tega zakona prenehajo veljati naslednji predpisi, ki pa se uporabljajo še do 1. januarja 2016:

1. Zakon o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo, 90/12, 56/13 in 63/13 – ZS-K), razen 110. in 112. člena, ki prenehata veljati z dnem uveljavitve tega zakona, vendar se za namen 628. člena tega zakona uporabljata do 31. decembra 2017,
2. Sklep o pogojih za pridobitev in preizkus strokovnih znanj, potrebnih za opravljanje nalog pooblaščenega aktuarja (Uradni list RS, št. 7/12),
3. Sklep o vsebini poročil in obvestil iz 176. in 239. člena Zakona o zavarovalništvu ter načinu in rokih poročanja (Uradni list RS, št. 4/14),
4. Sklep o podrobnejši vsebini poročila pooblaščenega aktuarja (Uradni list RS, št. 3/01, 16/07),
5. Sklep o podrobnejših pravilih in minimalnih standardih za izračun zavarovalno-tehničnih rezervacij (Uradni list RS, št. 3/01, 69/01, 108/01, 85/05, 66/08),
6. Sklep o podrobnejši obliki in najmanjšem obsegu ter vsebini revizijskega pregleda in revizorjevega poročila zavarovalnice (Uradni list RS, št. 6/01, 108/01, 129/03, 118/07),
7. Sklep o podrobnejših pogojih za pridobitev in preizkus strokovnih znanj, potrebnih za opravljanje poslov zavarovalnega zastopanja oziroma posredovanja (Uradni list RS, št. 6/01, 86/05, 55/07),
8. Sklep o nadzoru nad zavarovalniško skupino (Uradni list RS, št. 45/14),
9. Sklep o predpisanih usmeritvah za izračun lastnih deležev zavarovalnice v tabelah maksimalnega kritja in določanje največje verjetne škode (Uradni list RS, št. 9/01),
10. Sklep o podrobnejšem načinu vrednotenja knjigovodskih postavk in sestavljanju računovodskih izkazov (Uradni list RS, št. 95/02, 30/03, 128/06),
11. Sklep o podrobnejši vsebini povzetka revidiranega letnega poročila – SKL 2002 (Uradni list RS, št. 111/02, 21/07, 17/08, 9/10 in 62/13),
12. Sklep o podrobnejšem načinu izračuna kapitala in izpolnjevanju

(Abrogation of regulations)

(1) On the day this Act enters into force, the following Acts and regulations shall cease to be in force, but shall apply until 1 January 2016:

1. Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/10 – Official Consolidated Text, 90/12, 56/13 and 63/13 – ZS-K), with the exception of Articles 110 and 112 which shall cease to be in force on the day this Act enters into force, but shall apply until 31 December 2017 for the purposes of Article 628 of this Act,
2. Decision on the terms and conditions for acquisition and testing of specialised knowledge required for licensed actuaries (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 7/12),
3. Decision on the contents of reports and notifications pursuant to Articles 176 and 239 of the Insurance Act and on the methods and time limits for reporting (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 4/14),
4. Decision on detailed contents of certified auditors report (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 3/01, 16/07),
5. Decision on detailed rules and minimum standards for the calculation of technical reserves (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 3/01, 69/01, 108/01, 85/05, 66/08),
6. Decision on the detailed form and minimum extent and contents of the audit and the auditor's report for insurance companies (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 6/01, 108/01, 129/03, 118/07),
7. Decision on the conditions to perform the services of insurance agents or brokers (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 6/01, 86/05, 55/07),
8. Decision on supervision of insurance groups (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 45/14),
9. Decision on the prescribed guidelines for the calculation of insurance undertakings retention level in the tables of maximum coverage and for the determination of maximum probable loss (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 9/01),
10. Decision on the detailed method of valuing accounting items and the drawing up of financial statements (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 95/02, 30/03, 128/06),
11. Decision on the detailed contents of summary audited annual report - SKL-2002 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 111/02, 21/07, 17/08, 9/10 and 62/13),
12. Decision on the detailed methodology for determining capital and on

kapitalskih zahtev ter kapitalske ustreznosti zavarovalnic (Uradni list RS, št. 83/04, 95/04, 65/05, 31/06, 38/06 – popr., 25/07, 17/08, 99/10, 62/13 in 65/14),

13. Sklep o podrobnejši vsebini dokumentacije k zahtevi za izdajo dovoljenja za opravljanje funkcije člana uprave (Uradni list RS, št. 52/05, 7/07),

14. Sklep o registrih zavarovalnih zastopnikov in posrednikov ter zavarovalnih zastopniških in posredniških družb (Sklep o registrih – 1) (Uradni list RS, št. 52/05, 55/07),

15. Sklep o podrobnejših navodilih za izračun oziroma pobot sredstev matematičnih rezervacij oziroma rezervacij za starost (Uradni list RS, št. 89/05),
16. Navodilo o načinu elektronskega poročanja zavarovalnice o naložbah kritnega premoženja in premoženja kritnega sklada ter o naložbah, ki niso financirane iz zavarovalno-tehničnih rezervacij (Uradni list RS, št. 99/12, 62/13 in 21/14),

17. Sklep o pošiljanju zavarovalno-statističnih podatkov (Uradni list RS, št. 125/06, 118/07, 120/08, 8/09, 37/09 – popr., 104/09, 4/10 in 62/13),
18. Sklep o kontnem okviru za zavarovalnice – SKL2007 (Uradni list RS, št. 128/06),

19. Sklep o podrobnejših pravilih za izračun minimalnega kapitala zavarovalnic (Uradni list RS, št. 137/06, 25/07, 50/10 in 62/13),

20. Sklep o načinu izračuna količnikov likvidnosti sredstev in najmanjšem obsegu likvidnosti sredstev, ki ga mora zagotavljati zavarovalnica (Uradni list RS, št. 118/00, 137/06),

21. Navodilo o izračunu postavke »Presežek iz prevrednotenja v zvezi s sredstvi, ki niso financirana iz zavarovalno-tehničnih rezervacij« v obrazcih KUS-P in KUS-Ž (Uradni list RS, št. 25/07),

22. Sklep o načinu izračuna in postavkah dodatnega lastnega kapitala (Uradni list RS, št. 28/07 in 96/12 – ZPIZ-2),

23. Sklep o podrobnejših pravilih naložb kritnega premoženja in

compliance with capital requirements and capital adequacy of insurance companies (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 83/04, 95/04, 65/05, 31/06, 38/06 – corr., 25/07, 17/08, 99/10, 62/13 and 65/14),
13. Decision on the detailed content of the documentation to accompany an application for a licence to carry out the functions of management board membership (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 52/05, 7/07),
14. Decision on the registers of insurance agents and brokers, insurance agencies and insurance brokerage companies (Decision on registers – 1) (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 52/05, 55/07),
15. Decision on detailed instructions for calculating or offsetting assets of life insurance provisions or old age provisions (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 89/05),
16. Instructions on insurance companies' electronic reporting on investments of assets covering technical provisions, investments of assets covering mathematical provisions and investments not financed through technical provisions (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 99/12, 62/13 and 21/14),
17. Decision on reporting statistical insurance data (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 125/06, 118/07, 120/08, 8/09, 37/09 – corr., 104/09, 4/10 and 62/13),
18. Decision on the chart of account for insurance undertakings – SKL 2007 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 128/06),
19. Decision on detailed rules for calculation of insurance undertakings' minimum capital (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 137/06, 25/07, 50/10 and 62/13),
20. Decision regulating the manner of calculating asset liquidity ratios and minimum liquidity to be maintained by an investment firm (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 118/00, 137/06),
21. Instructions for calculating the item Revaluation surplus relating to assets not financed from technical provision in the form KUS-P and KUS -Ž (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 25/07),
22. Decision on rules for calculating and capital items of additional own capital (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 28/07 and 96/12 – ZPIZ-2),
23. Decision on detailed rules of assets covering technical provisions and

premoženja kritnega sklada ter naložb, ki niso financirane iz zavarovalno-tehničnih rezervacij (Uradni list RS, št. 115/07 in 99/12),

24. Pravilnik v zvezi z zahtevo za posredovanje podatkov Agenciji za zavarovalni nadzor (Uradni list RS, št. 97/08),

25. Pravilnik o registru pooblaščenih aktuarjev (Uradni list RS, št. 36/09),

26. Sklep o imetnikih kvalificiranih deležev zavarovalnic (Uradni list RS, št. 41/09),

27. Sklep o letnem poročilu in trimesečnih računovodskih izkazih zavarovalnic – SKL 2009 (Uradni list RS, št. 47/09, 57/09 – popr., 99/10, 47/11, 62/13 in 79/13),

28. Pravilnik o podatkih in dokumentih na podlagi katerih se presoja vloga za neposredno opravljanje zavarovalnih poslov tujih zavarovalnic in rokih za sporočanje navedenih podatkov (Uradni list RS, št. 30/11),
29. Sklep o podrobnejši vsebini določb zavarovalne pogodbe (Uradni list RS, št. 30/11 in 16/13)
30. Sklep o podrobnejših pravilih in merilih upoštevanja osebne okoliščine spola (Uradni list RS, št. 97/12).

(2) Z dnem uveljavitve tega zakona preneha veljati Tarifa o taksah in nadomestilih (Uradni list RS, št. 89/02, 74/05, 103/08, 105/13), ki pa se uporablja še do dneva uveljavitve akta, s katerim bodo na podlagi tega zakona določene takse, nadomestila in druga povračila stroškov Agencije za zavarovalni nadzor za opravljanje njenih nalog in izvrševanje njenih pristojnosti.

(3) Ne glede na določbe šestega in sedmega odstavka 521. člena tega zakona se za zavarovanja iz zavarovalne skupine življenjskih zavarovanj in zavarovalnih vrst nezgodnih zavarovanj in zdravstvenih zavarovanj, ki so bila sklenjena pred 21. decembrom 2012 in za katera je zavarovalnica pri določanju premij in pri izplačevanju zavarovalnin upoštevala osebno okoliščino spola v skladu s sedmim odstavkom 83. člena takrat veljavnega Zakona o zavarovalništvu (Uradni list RS, št. 99/10 – uradno prečiščeno besedilo), do izteka teh

assets covering mathematical provisions, and rules of investments not financed from technical provisions (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 115/07 and 99/12),
24. Regulation regarding the request for delivering data to the Insurance Supervision Agency (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 97/08),
25. Rules on the register of certified actuaries (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 36/09),
26. Decision about holders of qualifying holdings in insurance undertakings (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 41/09),
27. Decision on the annual report and quarterly financial statements of insurance companies - SKL 2009 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 47/09, 57/09 – corr., 99/10, 47/11, 62/13 and 79/13),
28. Rules on data, documents and deadlines for pursuing insurance activities directly (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 30/11),

29. Decision on detailed content of an insurance contract (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 30/11 and 16/13),
30. Decision on detailed rules and criteria with regard to the personal circumstances of gender (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 97/12).

(2) On the day this Act enters into force, the Tariff of Fees and Charges (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos 89/02, 74/05, 103/08, 105/13) shall cease to be in force, but shall continue to apply until an act by means of which fees, compensations and other reimbursements of costs of the Insurance Supervision Agency regarding the performance of its duties and execution of its competences will be determined based on this Act, enters into force.

(3) Notwithstanding the provisions of paragraphs six and seven of Article 521 of this Act, for insurance in the life insurance group and the accident and health insurance classes concluded prior to 21 December 2012 and for which an insurance undertaking in determining premiums and paying insurance benefits considered the personal circumstance of gender pursuant to paragraph seven of Article 83 of the then valid Insurance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 99/10 – official consolidated text), the personal circumstance of

zavarovalnih pogodb osebna okoliščina spola lahko upošteva pri določanju premij in izplačevanju zavarovalnin. Šteje se, da so bila zavarovanja iz prejšnjega stavka sklenjena pred 21. decembrom 2012 zlasti, če gre za zavarovalne pogodbe:

1. katerih veljavnost je bila samodejno podaljšana v skladu s pogoji zavarovalne pogodbe, če ni bilo podanega nobenega obvestila (na primer o odstopu pogodbe);

2. pri katerih soglasje zavarovalca ni potrebno, če gre za prilagoditev posameznih sestavin zavarovalne pogodbe;

3. pri katerih zavarovalec z enostransko odločitvijo uveljavi pogoje, ki omogočajo enostransko sklenitev zavarovanja, dodatnega zavarovanja ali nadaljevanje zavarovanja in so bili zavarovalni pogoji dogovorjeni s pogodbo sklenjeno pred 21. decembrom 2012;

4. ki so bile prenesene z ene zavarovalnice na drugo, pri čemer se ne spremeni status pogodb vključenih v portfelj, ki se prenaša med zavarovalnicami.

gender may continue to be considered in determining premiums and paying insurance benefits until the expiry of these insurance contracts. The insurance referred to in the preceding paragraph shall be deemed to be concluded prior to 21 December 2012, if:

1. the insurance contracts' term has been automatically renewed pursuant to the terms and conditions of the insurance contracts, provided that no notice was given (for instance on withdrawal from the contract);
2. with regard to the insurance contracts, no consent of the policyholder is required in the event of the adjustment of individual parts of the insurance contract;
3. with regard to the insurance contracts where a policyholder shall unilaterally exercise the conditions that enable unilateral conclusion of insurance, complementary insurance or the continuation of insurance and such general terms and conditions of insurance were agreed by a contract concluded prior to 21 December 2012;
4. with regard to insurance contracts that were transferred from one insurance undertaking to another, without modifying the status of the contracts included in the portfolio being transferred from one insurance undertaking to another.

647. člen
(uveljavitev in začetek uporabe zakona)

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, uporabljati pa se začne 1. januarja 2016, razen 194., 206., 213., 218., 219., 367. in 539. člena tega zakona, ki se za namen pridobivanja odobritev in dovoljenj začnejo uporabljati z dnem uveljavitve tega zakona. Odobritve ali dovoljenja, ki jih izda Agencija za zavarovalni nadzor ali drugi nadzorni organ na podlagi 194., 206., 213., 218., 219., 367. in 539. člena tega zakona pred 1. januarjem 2016, se začnejo uporabljati 1. januarja 2016.

Article 647
(Entry into force and application of the Act)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall apply from 1 January 2016, with the exception of Articles 194, 206, 213, 218, 219, 367 and 539 of this Act, which shall for the purpose of acquiring approvals and authorisation apply as of the day this Act enters into force. Approvals or authorisations issued prior to 1 January 2016 by the Insurance Supervision Agency or any other supervisory authority pursuant to Articles 194, 206, 213, 218, 219, 367 and 539 of this Act shall apply from 1 January 2016.